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REPORTS

OF A COMMITTEE ON THE

AFFAIRS OF INDIA.

NINTH REPORT

From the Select Committee (of the House of Commons) appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.—(25 June, 1783.)

I.—OBSERVATIONS ON THE STATE OF THE COMPANY'S AFFAIRS IN INDIA.

In order to enable the house to adopt the most proper means for regulating the British government in India, and for promoting the happiness of the natives, who live under its authority or influence, your committee hold it expedient to collect into distinct points of view the circumstances by which that government appears to them to be most essentially disordered; and to explain fully the principles of policy, and the course of conduct, by which the natives of all ranks and orders have been reduced to their present state of depression and misery.

Your committee have endeavored to perform this task in plain and popular language, knowing that nothing has alienated the house from inquiries, absolutely necessary for the performance of one of the most essential of all its duties, so much as the technical language of the company's records; as the Indian names of persons, of offices, of the tenure

and qualities of estates, and of all the varied branches of their intricate revenue. This language is indeed of necessary use in the executive departments of the company's affairs; but it is not necessary to parliament. A language, so foreign from all the ideas and habits of the far greater part of the members of this house, has a tendency to disgust them with all sorts of inquiry concerning this subject. They are fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India, that they are easily persuaded to remand them back to that obscurity, mystery, and intrigue, out of which they have been forced upon public notice, by the calamities arising from their extreme mismanagement. This mismanagement has itself (as your committee conceive) in a great measure arisen from dark cabals, and secret suggestions to persons in power, without a regular public inquiry into the good or evil tendency of any measure, or into the merit or demerit of any person intrusted with the company's concerns.

The plan adopted by your committee, is, First, To consider the law regulating the East-India Company, as it now stands; and, Secondly, To inquire into the circumstances of the two great links of connection, by which the territorial possessions in India are united to this kingdom; namely, the company's commerce; and the government exercised under the charter, and under acts of parliament. The last of these objects, the commerce, is taken in two points of view, the *external*, or the direct trade between India and Europe; and the *internal*, that is to say, the trade of Bengal in all the articles of produce and manufacture, which furnish the company's investment.

The government is considered by your committee under the like descriptions of internal and external. The internal regards the communication between the court of directors and their servants in India; the management of the revenue; the expenditure of public money; the civil administration; the administration of justice; and the state of the army.

The external regards, first, the conduct and maxims of the company's government with respect to the native princes and people dependent on the British authority: and next, the proceedings with regard to those native powers, which are wholly independent of the company. But your committee's observations on the last division extend to those matters only, which are not comprehended in the report of the committee of secrecy. Under these heads, your committee refer to the most leading particulars of abuse, which prevail in the administration of India; deviating only from this order, where the abuses are of a complicated nature, and where one cannot be well considered, independently of several others.

Your committee observe, that this is the second attempt made by parliament for the reformation of abuses in the company's government. It appears, therefore, to them a necessary preliminary to this second *undertaking, to consider the causes which, in their opinion*, have produced the failure of the first; that the defects of the original plan may be supplied, its errors corrected, and such useful regulations, as were then adopted, may be further explained, enlarged, and enforced.

The first design of this kind was formed in the session of the year 1773. In that year, parliament, taking up the consideration of the affairs of India, through two of its committees, collected a very great body of details concerning the interior economy of the company's possessions; and concerning many particulars of abuse which prevailed at the time when those committees made their ample and instructive reports. But it does not appear that the body of regulations enacted in that year, that is, in the East-India act of the thirteenth of his majesty's reign, were altogether grounded on that information; but were adopted rather on probable speculations, and general ideas of good policy and good government. New establishments, civil and judicial, were therefore formed at a very great expense, and with much

complexity of constitution. Checks and counter-checks of all kinds were contrived in the execution, as well as in the formation of this system, in which all the existing authorities of this kingdom had a share: for parliament appointed the members of the presiding part of the new establishment; the crown appointed the judicial, and the company preserved the nomination of the other officers. So that if the act has not fully answered its purposes, the failure cannot be attributed to any want of officers of every description, or to the deficiency of any mode of patronage in their appointment. The cause must be sought elsewhere.

The act had in its view (independently of several detached regulations) five fundamental objects:

1st. The reformation of the court of proprietors of the East-India Company:

2dly. A new model of the court of directors, and an enforcement of their authority over the servants abroad:

3dly. The establishment of a court of justice capable of protecting the natives from the oppressions of British subjects:

4thly. The establishment of a general council to be seated in Bengal, whose authority should, in many particulars, extend over all the British settlements in India:

5thly. To furnish the ministers of the crown with constant information concerning the whole of the company's correspondence with India, in order that they might be enabled to inspect the conduct of the directors and servants, and to watch over the execution of all parts of the act; that they might be furnished with matter to lay before parliament, from time to time, according as the state of things should render regulation or animadversion necessary.

The first object of the policy of this act was to improve the constitution of the court of proprietors. In this case, as in almost all the rest, the remedy was not applied directly to the disease. The complaint was, that factions in the court of proprietors had shown, in several instances, a disposition

to support the servants of the company against the just coercion and legal prosecution of the directors. Instead of applying a corrective to the distemper, a change was proposed in the constitution. By this reform it was presumed, that an interest would arise in the general court, more independent in itself, and more connected with the commercial prosperity of the company. Under the new constitution, no proprietor not possessed of a thousand pounds capital stock was permitted to vote in the general court: before the act, five hundred pounds was a sufficient qualification for one vote; and no value gave more. But as the lower classes were disabled, the power was increased in the higher. Proprietors of three thousand pounds were allowed two votes; those of six thousand were entitled to three; ten thousand pounds was made the qualification for four. The votes were thus regulated in the scale and gradation of property. On this scale, and on some provisions to prevent occasional qualifications and splitting of votes, the whole reformation rested.

Several essential points, however, seem to have been omitted or misunderstood. No regulation was made to abolish the pernicious custom of voting by *ballot;* by means of which, acts of the highest concern to the company, and to the state, might be done by individuals with perfect impunity; and even the body itself might be subjected to a forfeiture of all its privileges for defaults of persons, who, so far from being under control, could not be so much as known in any mode of legal cognizance. Nothing was done, or attempted, to prevent the operation of the interest of delinquent servants of the company in the general court, by which they might even come to be their own judges; and in effect, under another description, to become the masters in that body, which ought to govern them. Nor was any thing provided to secure the independency of the proprietory body from the various exterior interests, by which it might be disturbed, and diverted from the conservation of that pecuniary concern, which the act laid down as the sole security for

preventing a collusion between the general court and the powerful delinquent servants in India. The whole of the regulations concerning the court of proprietors relied upon two principles, which have often proved fallacious; namely, that small numbers were a security against faction and disorder; and, that integrity of conduct would follow the greater property. In no case could these principles be less depended upon than in the affairs of the East-India Company. However, by wholly cutting off the lower, and adding to the power of the higher classes, it was supposed that the higher would keep their money in that fund to make profit; that the vote would be a secondary consideration, and no more than a guard to the property; and that therefore any abuse, which tended to depreciate the value of their stock, would be warmly resented by such proprietors.

If the ill effects of every misdemeanor in the company's servants were to be *immediate*, and had a tendency to lower the value of the stock, something might justly be expected from the pecuniary security taken by the act. But from the then state of things, it was more than probable, that proceedings, ruinous to the permanent interest of the company, might commence in great lucrative advantages. Against this evil, large pecuniary interests were rather the reverse of a remedy. Accordingly, the company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighboring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the company, and great quantities of valuable goods to their investment.

But this consideration of mere income (whatever weight it might have) could not be the first object of a proprietor in a body so circumstanced. The East-India Company is not, like the Bank of England, a mere moneyed society for the sole purpose of the preservation or improvement of their capital; and, therefore, every attempt to regulate it upon

the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made no where else, it is impossible not to perceive that capitals, far superior to any qualifications appointed to proprietors, or even to directors, would readily be laid out for a participation in that power. The Indian proprietor, therefore, will always be, in the first instance, a politician; and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them. The new regulations did not reduce the number so low as not to leave the assembly still liable to all the disorder, which might be supposed to arise from multitude. But, if the principle had been well established and well executed, a much greater inconveniency grew out of the reform than that which had attended the old abuse; for if tumult and disorder be lessened by reducing the number of proprietors, private cabal and intrigue are facilitated, at least in an equal degree; and it is cabal and corruption, rather than disorder and confusion, that were most to be dreaded in transacting the affairs of India. Whilst the votes of the smaller proprietors continued, a door was left open for the public sense to enter into that society: since that door has been closed, the proprietory has become (even more than formerly) an aggregate of private interests, which subsist at the expense of the collective body. At the moment of this revolution in the proprietory, as it might naturally be expected, those, who had either no very particular interest in their vote, or but a petty object to pursue, immediately disqualified; but, those who were deeply interested in the company's patronage; those who were concerned in the supply of ships, and of the other innumerable objects required for their immense establishments; those who were engaged in contracts with the treasury, admiralty, and ord-

nance, together with the clerks in public offices, found means of securing qualifications at the enlarged standard. All these composed a much greater proportion than formerly they had done of the proprietory body.

Against the great, predominant, radical corruption of the court of proprietors, the raising the qualification proved no sort of remedy. The return of the company's servants into Europe poured in a constant supply of proprietors, whose ability to purchase the highest qualifications for themselves, their agents, and dependents, could not be dubious. And this latter description form a very considerable, and by far the most active and efficient part of that body. To add to the votes, which is adding to the power, in proportion to the wealth of men, whose very offences were supposed to consist in acts which lead to the acquisition of enormous riches, appears by no means a well considered method of checking rapacity and oppression. In proportion as these interests prevailed, the means of cabal, of concealment, and of corrupt confederacy, became far more easy than before. Accordingly, there was no fault with respect to the company's government over its servants, charged or chargeable on the general court as it originally stood, of which, since the reform, it has not been notoriously guilty. It was not therefore a matter of surprise to your committee, that the general court, so composed, has at length grown to such a degree of contempt, both of its duty, and of the permanent interest of the whole corporation, as to put itself into open defiance of the salutary admonitions of this house, given for the purpose of asserting and enforcing the legal authority of their own body over their own servants.

The failure in this part of the reform of 1773 is not stated by your committee, as recommending a return to the ancient constitution of the company, which was nearly as far as the new from containing any principle tending to the prevention or remedy of abuses; but to point out the probable failure of any future regulations, which do not apply directly to

the grievance, but which may be taken up as experiments to ascertain theories of the operations of councils formed of greater or lesser numbers, or such as shall be composed of men of more or less opulence, or of interests of newer or longer standing, or concerning the distribution of power to various descriptions or professions of men, or of the election to office by one authority, rather than another.

The second object of the act was the court of directors. Under the arrangement of the year 1773, that court appeared to have its authority much strengthened. It was made less dependent than formerly upon its constituents, the proprietory. The duration of the directors in office was rendered more permanent, and the tenure itself diversified by a varied and intricate rotation. At the same time their authority was held high over their servants of all descriptions; and the only rule prescribed to the council general of Bengal, in the exercise of the large and ill-defined powers given to them, was, that they were to yield obedience to the orders of the court of directors. As to the court of directors itself, it was left with very little regulation. The custom of ballot, infinitely the most mischievous in a body possessed of all the ordinary executive powers, was still left; and your committee have found the ill effects of this practice in the course of their inquiries. Nothing was done to oblige the directors to attend to the promotion of their servants according to their rank and merits. In judging of those merits, nothing was done to bind them to any observation of what appeared on their records. Nothing was done to compel them to prosecution or complaint where delinquency became visible. The act indeed prescribed, that no servant of the company abroad should be eligible into the direction, until two years after his return to England. But as this regulation rather presumes than provides for an inquiry into their conduct, a very ordinary neglect in the court of directors might easily defeat it, and a short remission might in this particular operate as a total indemnity. In fact, however,

the servants have of late seldom attempted a seat in the direction; an attempt which might possibly rouse a dormant spirit of inquiry; but, satisfied with an interest in the proprietory, they have, through that name, brought the direction very much under their own control.

As to the general authority of the court of directors, there is reason to apprehend, that, on the whole, it was somewhat degraded by the act, whose professed purpose was to exalt it; and that the only effect of the parliamentary sanction to their orders has been, that, along with those orders, the law of the land has been despised and trampled under foot. The directors were not suffered either to nominate or to remove those whom they were empowered to instruct: from masters they were reduced to the situation of complainants; a situation, the imbecility of which no laws or regulations could wholly alter; and when the directors were afterwards restored in some degree to their ancient power, on the expiration of the lease given to their principal servants, it became impossible for them to recover any degree of their ancient respect, even if they had not, in the mean time, been so modelled as to be entirely free from all ambition of that sort.

From that period, the orders of the court of directors became so habitually despised by their servants abroad, and to be so little regarded even by themselves, that this contempt of orders forms almost the whole subject-matter of the voluminous reports of two of your committees. If any doubt, however, remains concerning the cause of this fatal decline of the authority of the court of directors, no doubt whatsoever can remain of the fact itself, nor of the total failure of one of the great leading regulations of the act of 1773.

The third object was a new judicial arrangement; the chief purpose of which was, to form a strong and solid security for the natives, against the wrongs and oppressions of British subjects resident in Bengal. An operose and expensive establishment of a supreme court was made, and charged

upon the revenues of the country. The charter of justice was by the act left to the crown, as well as the appointment of the magistrates. The defect in the institution seemed to be this; that no rule was laid down, either in the act or the charter, by which the court was to judge. No descriptions of offenders or species of delinquency were properly ascertained according to the nature of the place, or to the prevalent mode of abuse. Provision was made for the administration of justice in the remotest part of Hindostan, as if it were a province in Great Britain. Your committee have long had the constitution and conduct of this court before them, and they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power. Though they do find one very strong and marked instance of the judges having employed an unwarrantable extension or application of the municipal law of England, to destroy a person of the highest rank among those natives, whom they were sent to protect. One circumstance rendered the proceeding in this case fatal to all the good purposes for which the court had been established. The sufferer (the Rajah Nundcomar) appears, at the very time of this extraordinary prosecution, a discoverer of some particulars of illicit gain then charged upon Mr. Hastings, the governor-general. Although, in ordinary cases, and in some lesser instances of grievance, it is very probable that this court has done its duty, and has been, as every court must be, of some service; yet one example of this kind must do more towards deterring the natives from complaint, and, consequently, from the means of redress, than many decisions favorable to them, in the ordinary course of proceeding, can do for their encouragement and relief. So far as your committee have been able to discover, the court has been generally terrible to the natives, and has distracted the government of the company, without substantially reforming any one of its abuses.

This court, which in its constitution seems not to have had sufficiently in view the necessities of the people, for whose relief it was intended, and was or thought itself, bound, in some instances, to too strict an adherence to the forms and rules of English practice, in others was framed upon principles perhaps too remote from the constitution of English tribunals. By the usual course of English practice, the far greater part of the redress to be obtained against oppressions of power is by process in the nature of civil actions. In these, a trial by jury is a necessary part, with regard to the finding the offence, and to the assessment of the damages. Both these were, in the charter of justice, left entirely to the judges. It was presumed, and not wholly without reason, that the British subjects were liable to fall into factions and combinations, in order to support themselves in the abuses of an authority, of which every man might, in his turn, become a sharer. And with regard to the natives, it was presumed (perhaps a little too hastily) that they were not capable of sharing in the functions of jurors. But it was not foreseen that the judges were also liable to be engaged in the factions of the settlement; and if they should ever happen to be so engaged, that the native people were then without that remedy, which obviously lay in the clause that the court and jury, though both liable to bias, might not easily unite in the same identical act of injustice. Your committee, on full inquiry, are of opinion, *that the use of juries is neither impracticable nor dangerous in Bengal.*

Your committee refer to their report, made in the year 1781, for the manner in which this court, attempting to extend its jurisdiction, and falling with extreme severity on the native magistrates, a violent contest arose between the English judges and the English civil authority. This authority, calling in the military arm, (by a most dangerous example,) overpowered, and for a while suspended, the functions of that court; but at length those functions, which were suspended by the quarrel of the parties, were destroyed by their

reconciliation, and by the arrangements made in consequence of it. By these the court was virtually annihilated; or, if substantially it exists, it is to be apprehended it exists only for purposes very different from those of its institution.

The fourth object of the act of 1773 was the council general. This institution was intended to produce uniformity, consistency, and the effective coöperation of all the settlements in their common defence. By the ancient constitution of the company's foreign settlements, they were each of them under the orders of a president or chief, and a council, more or fewer, according to the discretion of the company; among those, parliament (probably on account of the largeness of the territorial acquisitions, rather than the conveniency of the situation) chose Bengal for the residence of the controlling power, and, dissolving the presidency, appointed a new establishment upon a plan somewhat similar to that which had prevailed before; but the number was smaller. This establishment was composed of a governor-general and four counsellors, all named in the act of parliament. They were to hold their offices for five years, after which term the patronage was to revert to the court of directors. In the mean time, such vacancies as should happen were to be filled by that court, with the concurrence of the crown. The first governor-general and one of the counsellors had been old servants to the company, the others were new men.

On this new arrangement, the courts of proprietors and directors considered the details of commerce as not perfectly consistent with the enlarged sphere of duty and the reduced number of the council. Therefore, to relieve them from this burthen, they instituted a new office, called the Board of Trade, for the subordinate management of their commercial concerns; and appointed eleven of their senior servants to fill the commission.

The powers given by the act to the new governor-general and council had for their direct object the kingdom of

Bengal and its dependencies. Within that sphere (and it is not a small one) their authority extended over all the company's concerns of whatever description. In matters of peace and war, it seems to have been meant, that the other presidencies should be subordinate to their board. But the law is loose and defective, where it professes to restrain the subordinate presidencies from making war without the consent and approbation of the supreme council. They are left free to act without it, *in cases of imminent necessity*, or, *where they shall have received special orders from the company*. The first exception leaves it open to the subordinate to judge of the necessity of measures, which, when taken, bind or involve the superior: the second refers a question of peace or war to two jurisdictions, which may give different judgments. In* both instances, cases in point have occurred. With regard to their local administration, their powers were exceedingly and dangerously loose and undetermined. Their powers were not given directly, but in words of reference, in which neither the objects related to, nor the mode of the relation, were sufficiently expressed. Their legislative and executive capacities were not so accurately drawn, and marked by such strong and penal lines of distinction, as to keep these capacities separate. Where legislative, and merely executive, powers were lodged in the same hands, the legislative, which is the larger and the more ready for all occasions, was constantly resorted to. The governor-general and council, therefore, immediately gave constructions to their ill-defined authority, which rendered it perfectly despotic; constructions, which, if they were allowed, no action of theirs ought to be regarded as criminal.

Armed as they were with an authority in itself so ample, and by abuse so capable of an unlimited extent, very few, and these very insufficient, correctives were admin-

* See the secret committee's reports on the Mahratta war.

istered. Ample salaries were provided for them, which indeed removed the necessity, but by no means the inducements, to corruption and oppression. Nor was any barrier whatsoever opposed on the part of the natives against their injustice; except the supreme court of judicature, which never could be capable of controlling a government with such powers, without becoming such a government itself.

There was, indeed, a prohibition against all concerns in trade to the whole council, and against all taking of presents by any in authority. A right of prosecution in the king's bench was also established; but it was a right, the exercise of which is difficult, and in many, and those the most weighty, cases impracticable. No considerable facilities were given to prosecutions in parliament; nothing was done to prevent complaint from being far more dangerous to the sufferer than injustice to the oppressor. No overt acts were fixed, upon which corruption should be presumed, in transactions, of which secrecy and collusion formed the very basis; no rules of evidence, nor authentic mode of transmission, were settled in conformity to the unalterable circumstances of the country and the people.

One provision, indeed, was made for restraining the servants, in itself very wise and substantial; a delinquent, once dismissed, could not be restored but by the votes of three-fourths of the directors and three-fourths of the proprietors: this was well aimed. But no method was settled for bringing delinquents to the question of removal; and, if they should be brought to it, a door lay wide open for evasion of the law, and for a return into the service, in defiance of its plain intention; that is, by resigning, to avoid removal; by which measure this provision of the act has proved as unoperative as all the rest. By this management, a mere majority may bring in the greater delinquent, whilst the person, removed for offences comparatively trivial, may remain excluded for ever.

The new council nominated in the act was composed of two totally discordant elements, which soon distinguished themselves into permanent parties. One of the principal instructions, which the three members of the council sent immediately from England, namely, General Clavering, Colonel Monson, and Mr. Francis, carried out with them, was to "*cause the strictest inquiry to be made into all oppressions and abuses*," among which the *practice of receiving presents from the natives*, at that time generally charged upon men in power, was principally aimed at.

Presents to any considerable value were justly reputed by the legislature not as marks of attention and respect, but as bribes or extortions; for which either the beneficial and gratuitous duties of government were sold, or they were the price paid for acts of partiality; or, finally, they were sums of money extorted from the givers by the terrors of power. Against the system of presents, therefore, the new commission was, in general opinion, particularly pointed. In the commencement of reformation, at a period when a rapacious conquest had overpowered and succeeded to a corrupt government, an act of indemnity might have been thought advisable; perhaps a new account ought to have been opened; all retrospect ought to have been forbidden, at least to certain periods. If this had not been thought advisable, none in the higher departments of a suspected and decried government ought to have been kept in their posts, until an examination had rendered their proceedings clear, or until length of time had obliterated, by an even course of irreproachable conduct, the errors, which so naturally grow out of a new power. But the policy adopted was different: it was to begin with *examples*. The cry against the abuses was strong and vehement throughout the whole nation, and the practice of presents was represented to be as general as it was mischievous. In such a case, indeed in any case, it seemed not to be a measure the most provident, without a great deal of previous inquiry, to place two persons, who, from their situation, must be the

most exposed to such imputations, in the commission, which was to inquire into their own conduct; much less to place one of them at the head of that commission, and with a casting vote, in case of an equality. The persons, who could not be liable to that charge, were indeed three to two; but any accidental difference of opinion, the death of any one of them, or his occasional absence or sickness, threw the whole power into the hands of the other two, who were Mr. Hastings and Mr. Barwell, one the president, and the other high in the council of that establishment, on which the reform was to operate. Thus those, who were liable to process as delinquents, were in effect set over the reformers; and that did actually happen, which might be expected to happen from so preposterous an arrangement; a stop was soon put to all inquiries into the capital abuses.

Nor was the great political end, proposed in the formation of a superintending council over all the presidencies, better answered than that of an inquiry into corruptions and abuses. The several presidencies have acted, in a great degree, upon their own separate authority, and as little of unity, concert, or regular system, has appeared in their conduct, as was ever known before this institution. India is indeed so vast a country, and the settlements are so divided, that their intercourse with each other is liable to as many delays and difficulties as the intercourse between distant and separate states. But one evil may possibly have arisen from an attempt to produce an union, which, though undoubtedly to be aimed at, is opposed in some degree by the unalterable nature of their situation, that it has taught the servants rather to look to a superior among themselves than to their common superiors. This evil, growing out of the abuse of subordination, can only be corrected by a very strict enforcement of authority over that part of the chain of dependence, which is next to the original power.

That which your committee considers as the fifth and last of the capital objects of the act, and as the binding regu-

lation of the whole, is the introduction (then for the first time) of the ministers of the crown into the affairs of the company. The state claiming a concern and share of property in the company's profits, the servants of the crown were presumed the more likely to preserve, with a scrupulous attention, the sources of the great revenues which they were to administer, and for the rise and fall of which they were to render an account.

The interference of government was introduced by this act in two ways; one by a control, in effect by a share, in the appointment to vacancies in the supreme council. The act provided that his majesty's approbation should be had to the persons named to that duty. Partaking thus in the patronage of the company, administration was bound to an attention to the characters and capacities of the persons employed in that high trust.

The other part of their interference was by way of inspection. By this right of inspection, every thing in the company's correspondence from India, which related to the civil or military affairs and government of the company, was directed by the act to be, within fourteen days after the receipt, laid before the secretary of state; and every thing, that related to the management of the revenues, was to be laid before the commissioners of the treasury. In fact, both descriptions of these papers have been generally communicated to that board.

It appears to your committee, that there were great and material defects in both parts of the plan. With regard to the approbation of persons nominated to the supreme council by the court of directors, no sufficient means were provided for carrying to his majesty, along with the nomination, the particulars in the conduct of those who had been in the service before, which might render them proper objects of approbation or rejection. The India House possesses an office of record capable of furnishing, in almost all cases, materials for judging on the behavior of the servants, in their

progress from the lowest to the highest stations; and the whole discipline of the service, civil and military, must depend upon an examination of these records inseparably attending every application for an appointment to the highest stations. But in the present state of the nomination, the ministers of the crown are not furnished with the proper means of exercising the power of control intended by the law, even if they were scrupulously attentive to the use of it. There are modes of proceeding favorable to neglect. Others excite inquiry, and stimulate to vigilance.

Your committee, therefore, are of opinion, for the future prevention of cabal, and of private and partial representation, whether above or below, that, whenever any person, who has been in the service, shall be recommended to the king's ministers to fill a vacancy in the council general, the secretary of the court of directors shall be ordered to make a strict search into the records of the company; and shall annex to the recommendation the reasons of the court of directors for their choice, together with a faithful copy of whatever shall be found (if any thing can be found) relative to his character and conduct; as also an account of his standing in the company's service; the time of his abode in India; the reasons for his return; and the stations, whether civil or military, in which he has been successively placed.

With this account ought to be transmitted the names of those who were proposed as candidates for the same office, with the correspondent particulars relative to their conduct and situation; for not only the separate, but the comparative, merit probably would, and certainly ought to, have great influence in the approbation or rejection of the party presented to the ministers of the crown. These papers should be laid before the commissioners of the treasury, and one of the secretaries of state, and entered in books to be kept in the treasury and the secretary's office.

These precautions, in case of the nomination of any who have served the company, appear to be necessary, from the

improper nomination and approbation of Mr. John Macpherson, notwithstanding the objections which stood against him on the company's records. The choice of Mr. John Stables, from an inferior military to the highest civil capacity, was by no means proper, nor an encouraging example to either service. His conduct, indeed, in the subaltern military situation, had received, and seems to have deserved, commendation; but no sufficient ground was furnished for confounding the lines and gradations of service. This measure was, however, far less exceptionable than the former; because, an irregular choice of a less competent person, and the preference given to proved delinquency in prejudice to uncensured service, are very different things. But even this latter appointment would in all likelihood have been avoided, if rules of promotion had been established. If such rules were settled, candidates, qualified from ability, knowledge, and service, would not be discouraged, by finding that every thing was open to every man; and that favor alone did not stand in the place of civil or military experience. The elevation from the lowest stations, unfaithfully and negligently filled, to the highest trusts, the total inattention to rank and seniority, and much more the combination of this neglect of rank with a confusion (unaccompanied with strong and evident reasons) of the lines of service, cannot operate as useful examples on those who serve the public in India. These servants, beholding men, who have been condemned for improper behavior to the company in inferior civil stations, elevated above them, or (what is less blamable, but still mischievous) persons, without any distinguished civil talents, taken from the subordinate situations of another line, to their prejudice, will despair, by any good behavior, of ascending to the dignities of their own; they will be led to improve to the utmost advantage of their fortune the lower stages of power, and will endeavor to make up in lucre what they can never hope to acquire in station.

The temporary appointment, by parliament, of the supreme

council of India, arose from an opinion, that the company, at that time at least, was not in a condition, or not disposed to a proper exercise of the privileges which they held under their charter. It therefore behoved the directors to be particularly attentive to their choice of counsellors, on the expiration of the period during which their patronage had been suspended. The duties of the supreme council had been reputed of so arduous a nature, as to require legislative interposition. They were called upon, by all possible care and impartiality, to justify parliament, at least as fully in the restoration of their privileges, as the circumstances of the time had done in their suspension.

But interests have lately prevailed in the court of directors, which, by the violation of every rule, seemed to be resolved on the destruction of those privileges, of which they were the natural guardians. Every new power given has been made the source of a new abuse; and the acts of parliament themselves, which provide but imperfectly for the prevention of the mischief, have, it is to be feared, made provisions, (contrary, without doubt, to the intention of the legislature,) which operate against the possibility of any cure in the ordinary course.

In the original institution of the supreme council, reasons may have existed against rendering the tenure of the counsellors in their office precarious. A plan of reform might have required the permanence of the persons who were just appointed by parliament, to execute it; but the act of 1780 gave a duration, coexistent with the statute itself, to a council not appointed by act of parliament, nor chosen for any temporary or special purpose. By which means, the servants in the highest situation, let their conduct be never so grossly criminal, cannot be removed, unless the court of directors and ministers of the crown can be found to concur in the same opinion of it. The prevalence of the Indian factions in the court of directors and court of proprietors, and sometimes in the state itself, renders this agreement extremely

difficult: if the principal members of the direction should be in a conspiracy with any principal servant under censure, it will be impracticable, because the first act must originate there. The reduced state of the authority of this kingdom in Bengal, may be traced, in a great measure, to that very natural source of independence. In many cases, the instant removal of an offender from his power of doing mischief is the only mode of preventing the utter, and perhaps irretrievable, ruin of public affairs. In such a case, the process ought to be simple, and the power absolute in one, or in either hand separately. By contriving the balance of interests formed in the act, notorious offence, gross error, or palpable insufficiency, have many chances of retaining and abusing authority, whilst the variety of representations, hearings, and conferences, and possibly the mere jealousy and competition between rival powers, may prevent any decision; and at length give time and means for settlements and compromises among parties, made at the expense of justice and true policy. But this act of 1780, not properly distinguishing judicial process from executive arrangements, requires, in effect, nearly the same degree of solemnity, delay, and detail, for removing a political inconvenience, which attends a criminal proceeding for the punishment of offences. It goes further, and gives the same tenure, to all who shall succeed to vacancies, which was given to those whom the act found in office.

Another regulation was made in the act, which has a tendency to render the control of delinquency, or the removal of incapacity, in the council general, extremely difficult, as well as to introduce many other abuses into the original appointment of counsellors. The inconveniences of a vacancy in that important office, at a great distance from the authority that is to fill it, were visible; but your committee have doubts whether they balance the mischief, which may arise from the power given in this act, of a provisional appointment to vacancies, not on the event, but on foresight. This mode of providing for the succession has a tendency to

promote cabal, and to prevent inquiry into the qualifications of the persons to be appointed. An attempt has been actually made in consequence of this power, in a very marked manner, to confound the whole order and discipline of the company's service. Means are furnished thereby for perpetuating the powers of some given court of directors. They may forestall the patronage of their successors, on whom they entail a line of supreme counsellors and governors-general. And if the exercise of this power should happen in its outset to fall into bad hands, the ordinary chances for mending an ill choice upon death or resignation are cut off.

In these provisional arrangements, it is to be considered, that the appointment is not in consequence of any marked event, which calls strongly on the attention of the public; but is made at the discretion of those who lead in the court of directors; and they may therefore be brought forward at times the most favorable to the views of partiality and corruption. Candidates have not, therefore, the notice that may be necessary for their claims; and as the possession of the office, to which the survivors are to succeed, seems remote, all inquiry into the qualifications and character of those who are to fill it will naturally be dull and languid.

Your committee are not also without a grounded apprehension of the ill effect, on any existing council general, of all strong marks of influence and favor, which appear in the subordinates of Bengal. This previous designation to a great and arduous trust, (the greatest that can be reposed in subjects,) when made out of any regular course of succession, marks that degree of countenance and support at home, which may overshadow the existing government. That government may thereby be disturbed by factions, and led to corrupt and dangerous compliances. At best, when these counsellors-elect are engaged in no fixed employment, and have no lawful intermediate emolument, the natural impatience for

their situations may bring on a traffic for resignations between them and the persons in possession, very unfavorable to the interests of the public, and to the duty of their situations.

Since the act, two persons have been nominated to the ministers of the crown, by the court of directors, for this succession. Neither has yet been approved. But by the description of the persons, a judgment may be formed of the principles on which this power is likely to be exercised.

Your committee find, that in consequence of the above-mentioned act, the Honorable Charles Stuart and Mr. Sulivan were appointed to succeed to the first vacancies in the supreme council. Mr. Stuart's first appointment in the company's service was in the year 1761. He returned to England in 1775, and was permitted to go back to India in 1780. In August, 1781, he was nominated by the court of directors (Mr. Sulivan and Sir William James were chairman and deputy chairman) to succeed to the first vacancy in the supreme council, and on the 19th of September following, his majesty's approval of such nomination was requested.

In the nomination of Mr. Stuart, the consideration of rank in the service was not neglected; but if the court of directors had thought fit to examine their records, they would have found matter at least strongly urging them to a suspension of this appointment, until the charges against Mr. Stuart should be fully cleared up. That matter remained (as it still remains) unexplained from the month of May, 1775, where, on the Bengal revenue consultations of the 12th of that month, peculations to a large amount are charged upon oath against Mr. Stuart, under the following title: "*The particulars of the money unjustly taken by Mr. Stuart, during the time he was at Burdwan.*" The sum charged against him in this account, is 2,17,684 sicca rupees, (that is, £25,253 sterling:) besides which, there is another account,

with the following title: "*The particulars of the money unjustly taken by Callypersaud Bose Banyan to the Honorable Charles Stuart, Esquire, at Burdwan, and amounted to sicca rupees* 1,01,675," (that is, £11,785)—a large sum to be received by a person in that subordinate situation.

The minuteness with which these accounts appear to have been kept, and the precision with which the date of each particular, sometimes of very small sums, is stated, give them the appearance of authenticity, as far as it can be conveyed on the face, or in the construction of such accounts; and if they were forgeries, laid them open to an easy detection. But no detection is easy when no inquiry is made. It appears an offence of the highest order in the directors concerned in this business, when, not satisfied with leaving such charges so long unexamined, they should venture to present to the king's servants the object of them for the highest trust, which they have to bestow. If Mr. Stuart was really guilty, the possession of this post must furnish him, not only with the means of renewing the former evil practices charged upon him, and of executing them upon a still larger scale, but of oppressing those unhappy persons, who, under the supposed protection of the faith of the company, had appeared to give evidence concerning his former misdemeanors.

This attempt in the directors was the more surprising, when it is considered, that two committees of this house were, at that very time, sitting upon an inquiry, that related directly to their conduct, and that of their servants in India.

It was in the same spirit of defiance of parliament, that at the same time they nominated Mr. Sulivan, son to the then chairman of the court of directors, to the succession to the same high trust in India. On these appointments your committee thought it proper to make those inquiries which the court of directors thought proper to omit. They first conceived it fitting to inquire what rank Mr. Sulivan bore in

the service; and they thought it not unneccessary here to state the gradations in the service, according to the established usage of the company.

The company's civil servants generally go to India as *writers;* in which capacity they serve the company *five years.* The next step in point of rank is to be a *factor*, and next to that, a *junior merchant;* in each of which capacities they serve the company *three years.* They then rise to the rank of *senior merchant*, in which situation they remain till called by rotation to the board of trade. Until the passing of the regulation act in 1773, seniority entitled them to succeed to the *council*, and finally, gave them pretensions to the *government of the presidency.*

The above gradation of the service, your committee conceive, ought never to be superseded by the court of directors, without evident reason, in persons or circumstances, to justify the breach of an ancient order. The names, whether taken from civil or commercial gradation, are of no moment. The order itself is wisely established, and tends to provide a natural guard against partiality, precipitancy, and corruption in patronage. It affords means and opportunities for an examination into character; and among the servants it secures a strong motive to preserve a fair reputation. Your committee find, that no respect whatsoever was paid to this gradation in the instance of Mr. Sulivan, nor is there any reason assigned for departing from it. They do not find that Mr. Sulivan had ever served the company in any one of the above capacities, but was, in the year 1777, abruptly brought into the service, and sent to Madras to succeed as Persian translator and secretary to the council.

Your committee have found a letter from Mr. Sulivan to George Wombwell and William Devaynes, Esquires, chairman and deputy chairman of the court of directors, stating, that he trusted *his applications* would have a place in their deliberations when Madras affairs were taken up. Of what

nature those applications were, your committee cannot discover, as no traces of them appear on the company's records; nor whether any proofs of his ability, even as Persian translator exist, which might entitle him to a preference to the many servants in India, whose study and opportunities afforded them the means of becoming perfect masters of that language.

On the above letter your committee find, that the committee of correspondence proceeded; and, on their recommendation, the court of directors unanimously approved of Mr. Sulivan to be appointed to succeed to the posts of secretary and Persian translator.

Conformably to the orders of the court, Mr. Sulivan succeeded to those posts; and the president and council acquainted the court of directors, that they had been obeyed. About five months after, it appears that Mr. Sulivan thought fit to resign the office of Persian translator, to which he had been appointed by the directors. In April, 1780, Mr. Sulivan is commended for his *great diligence as secretary;* in August following he obtains leave to accompany Mrs. Sulivan to Bengal, whence she is to proceed to Europe on account of her health; and he is charged with a commission from the president and council of Fort Saint-George, to obtain for that settlement supplies of grain, troops, and money, from the governor-general and council of Bengal. In October the governor-general requests permission of the council there to employ Mr. Sulivan as his *assistant*, for that he had experienced (between his arrival in Bengal and that time) the abilities of Mr. Sulivan, and made choice of him as *completely qualified for that trust;* also requests the board to appoint him judge advocate-general; and likewise to apply to the presidency of Madras, for him to remain in Bengal without prejudice to his rank on their establishment; which several requests the board at Madras readily complied with, notwithstanding their natural sensibility to the loss of a secretary of such ability and diligence as they had described Mr. Sulivan to be.

On the 5th of December following, the president and council received a letter from Bengal, requesting that Mr. Sulivan might be allowed to keep his rank. This request brought on some discussion. A Mr. Freeman, it seems, who had acted under Mr. Sulivan as sub-secretary, whilst his principal obtained so much praise for his diligence, addressed the board on the same day, and observed, "That since Mr. Sulivan's arrival, *he*, [Mr. Freeman] had, *without intermission*, done almost the *whole* of the duty allotted to the post of secretary, *which it was notorious Mr. Sulivan had paid but little attention to;* and neither his inclination nor duty led him to act any longer as Mr. Sulivan's deputy."

Here your committee cannot avoid remarking the direct contradiction, which this address of Mr. Freeman's gives to the letter from the president and council to the court of directors in April, 1780, wherein Mr. Sulivan is praised for his "diligence and attention in his office of secretary."

The president and council do not show any displeasure at Mr. Freeman's representation, (so contrary to their own,) the truth of which they thus tacitly admit, but agree to write to the governor-general and council, "That it could not be supposed that they would carry on the public business, for any length of time, without the *services of a secretary* and clerk of appeals, two offices that required personal attendance, and which would be a general injury to the servants on their establishment, and in particular to the persons who acted in those capacities, as they learnt that Mr. Sulivan had been appointed judge advocate-general in Bengal; and to request the governor-general and council to inform Mr. Sulivan of their sentiments, and to desire him to inform them, whether he meant to return to his station, or to remain in Bengal."

On the 5th of December, as a mark of their approbation of Mr. Freeman, who had so plainly contradicted their opinion of Mr. Sulivan, the president and council agree to appoint him to act as secretary and clerk of appeals till Mr. Sulivan's answer should arrive, with the emoluments, and to confirm him therein, if Mr. Sulivan should remain in Bengal.

On the 14th February, 1781, the president and council received a letter from Bengal in reply, and stating their request that Mr. Sulivan might reserve the right of returning to his original situation on the Madras establishment, if the court of directors should disapprove of his being transferred to Bengal. To this request the board at Madras declare they have no objection: and here the matter rests; the court of directors not having given any tokens of approbation or disapprobation of the transaction.

Such is the history of Mr. Sulivan's service from the time of his appointment: such were the qualifications, and such the proofs of assiduity and diligence given by him, in holding so many incompatible offices (as well as being engaged in other dealings, which will appear in their place) when, after three years' desultory residence in India, he was thought worthy to be nominated to the succession to the supreme council. No proof whatsoever of distinguished capacity in any line preceded his original appointment to the service; so that the whole of his fitness for the supreme council rested upon his conduct and character since his appointment as Persian translator.

Your committee find that his majesty has not yet given his approbation to the nomination, made by the court of directors on the 30th of August, 1781, of Messrs. Stuart and Sulivan to succeed to the supreme council on the first vacancies, though the court applied for the royal approbation so long ago as the 19th of September, 1781; and in these instances the king's ministers performed their duty, in withholding their countenance from a proceeding so exceptionable, and of so dangerous an example.

Your committee, from a full view of the situation and duties of the court of directors, are of opinion, that effectual means ought to be taken for regulating that court, in such a manner as to prevent either rivalship with, or subserviency to, their servants. It might therefore be proper for the house to consider, whether it is fit that those who are or have

been within some given time, directors of the company, should be capable of an appointment to any offices in India. Directors can never properly govern those for whose employments they are or may be themselves candidates; they can neither protect nor coerce them with due impartiality or due authority.

If such rules as are stated by your committee under this head were observed in the regular service at home and abroad, the necessity of superseding the regular service by strangers would be more rare; and whenever the servants were so superseded, those who put forward other candidates would be obliged to produce a strong plea of merit and ability, which, in the judgment of mankind, ought to overpower pretensions so authentically established, and so rigorously guarded from abuse.

The second object in this part of the plan of the act of 1773, namely, that of inspection by the ministers of the crown, appears not to have been provided for, so as to draw the timely and productive attention of the state on the grievances of the people of India, and on the abuses of its government. By the regulating act, the ministers were enabled to inspect one part of the correspondence, that which was received in England; but not that which went outward. They might know something, but that very imperfectly and unsystematically, of the state of affairs; but they were neither authorized to advance nor to retard any measure taken by the directors, in consequence of that state: they were not provided even with sufficient means of knowing what any of these measures were. And this imperfect information, together with the want of a direct call to any specific duty, might have in some degree occasioned that remissness which rendered even the imperfect powers originally given by the act of 1773 the less efficient. This defect was in a great measure remedied by a subsequent act: but that act was not passed till the year 1780.

Your committee find, that during the whole period which

elapsed from 1773 to the commencement of 1782, disorders and abuses of every kind multiplied. Wars, contrary to policy, and contrary to public faith, were carrying on in various parts of India. The allies, dependents, and subjects of the company were every where oppressed; dissensions in the supreme council prevailed, and continued for the greater part of that time; the contests between the civil and judicial powers threatened that issue, to which they came at last, an armed resistance to the authority of the king's court of justice; the orders, which by an act of parliament the servants were bound to obey, were avowedly, and on principle, contemned; until at length the fatal effects of accumulated misdemeanors abroad, and neglects at home, broke out in the alarming manner which your committee have so fully reported to this house.

In all this time the true state of the several presidencies, and the real conduct of the British government towards the natives, was not at all known to parliament; it seems to have been very imperfectly known, even to ministers. Indeed it required an unbroken attention, and much comparison of facts and reasonings, to form a true judgment on that difficult and complicated system of politics, revenue, and commerce, whilst affairs were only in their progress to that state which produced the present inquiries. Therefore, whilst the causes of their ruin were in the height of their operation, both the company and the natives were understood by the public as in circumstances the most assured and most flourishing; insomuch that whenever the affairs of India were brought before parliament, as they were two or three times during that period, the only subject-matter of discussion, anywise important, was concerning the sums which might be taken out of the company's surplus profits for the advantage of the state. Little was thought of but the disengagement of the company from their debts in England, and to prevent the servants abroad from drawing upon them, so as that body might be enabled, without exciting clamors here, to afford

the contribution that was demanded. All descriptions of persons, either here or in India, looking solely to appearances at home, the reputation of the directors depended on the keeping the company's sales in a situation to support the dividend; that of the ministers depended on the most lucrative bargains for the exchequer; and that of the servants abroad on the largest investments; until at length there is great reason to apprehend, that, unless some very substantial reform takes place in the management of the company's affairs, nothing will be left for investment, for dividend, or for bargain; and India, instead of a resource to the public, may itself come, in no great length of time, to be reckoned amongst the public burthens.

In this manner, the inspection of the ministers of the crown, the great cementing regulation of the whole act of 1773, has, along with all the others, entirely failed in its effects.

Your committee, in observing on the failure of this act, do not consider the intrinsic defects or mistakes in the law itself as the sole cause of its miscarriage. The general policy of the nation with regard to this object has been, they conceive, erroneous; and no remedy by laws under the prevalence of that policy can be effectual. Before any remedial law can have its just operation, the affairs of India must be restored to their natural order. The prosperity of the natives must be previously secured before any profit from them whatsoever is attempted. For as long as a system prevails, which regards the transmission of great wealth to this country, either for the company or the state, as its principal end, so long will it be impossible that those, who are the instruments of that scheme, should not be actuated by the same spirit for their own private purposes. It will be worse: they will support the injuries done to the natives for their selfish ends, by new injuries done in favor of those before whom they are to account. It is not reasonably to be expected, that a public, rapacious and improvident, should be served

by any of its subordinates with disinterestedness or foresight.

II.—CONNECTION OF GREAT BRITAIN WITH INDIA.

In order to open more fully the tendency of the policy which has hitherto prevailed, and that the house may be enabled, in any regulations which may be made, to follow the tracks of the abuse, and to apply an appropriated remedy to a particular distemper, your committee think it expedient to consider, in some detail, the manner in which India is connected with this kingdom; which is the second head of their plan.

The two great links by which this connection is maintained, are, first, the East-India Company's commerce; and next, the government set over the natives by that company, and by the crown. The first of these principles of connection, namely, the East-India Company's trade, is to be first considered, not only as it operates by itself, but as having a powerful influence over the general policy and the particular measures of the company's government. Your committee apprehend that the present state, nature, and tendency of this trade are not generally understood.

Until the acquisition of great territorial revenues by the East-India Company, the trade with India was carried on upon the common principles of commerce, namely, by sending out such commodities as found a demand in the India market, and where that demand was not adequate to the reciprocal call of the European market for Indian goods, by a large annual exportation of treasure, chiefly in silver. In some years that export has been as high as £680,000 sterling. The other European companies, trading to India, traded

thither on the same footing. Their export of bullion was probably larger in proportion to the total of their commerce; as their commerce itself bore a much larger proportion to the British than it does at this time, or has done for many years past. But stating it to be equal to the British, the whole of the silver sent annually from Europe into Hindostan could not fall very short of £1,200,000 or £1,300,000 a year. This influx of money, poured into India by an emulation of all the commercial nations of Europe, encouraged industry and promoted cultivation in a high degree; notwithstanding the frequent wars with which that country was harassed, and the vices which existed in its internal government. On the other hand, the export of so much silver was sometimes a subject of grudging and uneasiness in Europe; and a commerce, carried on through such a medium, to many appeared in speculation of doubtful advantage. But the practical demands of commerce bore down those speculative objections. The East-India commodities were so essential for animating all other branches of trade, and for completing the commercial circle, that all nations contended for it with the greatest avidity. The English company flourished under this exportation for a very long series of years. The nation was considerably benefited both in trade and in revenue; and the dividends of the proprietors were often high, and always sufficient to keep up the credit of the company's stock, in heart and vigor.

But at, or very soon after, the acquisition of the territorial revenues to the English company, the period of which may be reckoned as completed about the year 1765, a very great revolution took place in commerce, as well as in dominion; and it was a revolution which affected the trade of Hindostan with all other European nations, as well as with that in whose favor and by whose power it was accomplished. From that time bullion was no longer regularly exported by the English East-India Company to Bengal, or any part of Hindostan; and it was soon exported in much smaller quan-

tities by any other nation. A new way of supplying the market of Europe, by means of the British power and influence, was invented; a species of trade (if such it may be called) by which it is absolutely impossible that India should not be radically and irretrievably ruined, although our possessions there were to be ordered and governed upon principles, diametrically opposite to those which now prevail in the system and practice of the British company's administration.

A certain portion of the revenues of Bengal has been for many years set apart to be employed in the purchase of goods for exportation to England, and this is called the *investment.* The greatness of this investment has been the standard by which the merit of the company's principal servants has been too generally estimated; and this main cause of the impoverishment of India has been generally taken as a measure of its wealth and prosperity. Numerous fleets of large ships, loaded with the most valuable commodities of the east, annually arriving in England in a constant and increasing succession, imposed upon the public eye, and naturally gave rise to an opinion of the happy condition and growing opulence of a country, whose surplus productions occupied so vast a space in the commercial world. This export from India seemed to imply also a reciprocal supply, by which the trading capital employed in those productions was continually strengthened and enlarged. But the payment of a tribute, and not a beneficial commerce to that country, wore this specious and delusive appearance.

The fame of a great territorial revenue, exaggerated, as is usual in such cases, beyond even its value, and the abundant fortunes of the company's officers, military and civil, which flowed into Europe with a full tide, raised in the proprietors of East-India stock a premature desire of partaking with their servants in the fruits of that splendid adventure. Government also thought they could not be too early in their claims for a share of what they considered themselves as entitled to in every foreign acquisition, made by the power of

this kingdom, through whatever hands, or by whatever means it was made. These two parties, after some struggle, came to an agreement to divide between them the profits, which their speculation proposed to realize in England from the territorial revenue in Bengal. About £200,000 were added to the annual dividends of the proprietors: £400,000 were given to the state; which, added to the old dividend, brought a constant charge upon the mixt interest of Indian trade and revenue of £800,000 a year; this was to be provided for at all events.

By that vast demand on the territorial fund, the correctives and qualifications, which might have been gradually applied to the abuses in Indian commerce and government, were rendered extremely difficult.

The practice of an investment from the revenue began in the year 1776, before arrangements were made for securing and appropriating an assured fund for that purpose in the treasury, and for diffusing it from thence upon the manufactures of the country in a just proportion, and in the proper season. There was, indeed, for a short time, a surplus of cash in the treasury. It was in some shape to be sent home to its owners. To send it out in silver was subject to two manifest inconveniences:—First, the country would be exhausted of its circulating medium. A scarcity of coin was already felt in Bengal. Cossim Ali Khân, (the nabob whom the company's servants had lately set up and newly expelled,) during the short period of his power, had exhausted the country by evey mode of extortion; in his flight he carried off an immense treasure, which has been variously computed, but by none at less than £3,000,000 sterling. A country so exhausted of its coin, and harassed by three revolutions rapidly succeeding each other, was rather an object that stood in need of every kind of refreshment and recruit, than one which could subsist under new evacuations. The next and equally obvious inconvenience was to the company itself. To send silver into Europe would be to send it from the best to the

worst market. When arrived, the most profitable use which could be made of it, would be to send it back to Bengal, for the purchase of Indian merchandise: it was necessary, therefore, to turn the company's revenue into its commerce. The first investment was about £500,000, and care was taken afterwards to enlarge it. In the years 1767 and 1768 it arose to £700,000.

This new system of trade, carried on through the medium of power and public revenue, very soon produced its natural effects. The loudest complaints arose among the natives, and among all the foreigners who traded to Bengal. It must unquestionably have thrown the whole mercantile system of the country into the greatest confusion. With regard to the natives, no expedient was proposed for their relief. The case was serious with respect to European powers. The presidency plainly represented to the directors, that some agreement should be made with foreign nations, for providing their investment to a certain amount, or that the deficiencies then subsisting must terminate in an open rupture with France. The directors, pressed by the large payments in England, were not free to abandon their system; and all possible means of diverting the manufactures into the company's investment were still anxiously sought and pursued, until the difficulties of the foreign companies were at length removed by the natural flow of the fortunes of the company's servants into Europe, in the manner which will be stated hereafter.

But with all these endeavors of the presidency, the investment sunk in 1769, and they were even obliged to pay, for a part of the goods to private merchants, in the company's bonds bearing interest. It was plain that this course of business could not hold. The manufacturers of Bengal, far from being generally in a condition to give credit, have always required advances to be made to them; so have the merchants very generally: at least since the prevalence of the English power in India. It was necessary, therefore,

and so the presidency of Calcutta represented the matter, to provide beforehand a year's advance. This required great efforts, and they were made. Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the investment, by a variety of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state, it gathered strength almost every year. The debts contracted in the infancy of the system were gradually reduced, and the advances to contractors and manufacturers were regularly made; so that the goods from Bengal, purchased from the territorial revenues, from the sale of European goods, and from the produce of the monopolies for the four years which ended with 1780, (when the investment from the surplus revenues finally closed,) were never less than £1,000,000 sterling, and commonly nearer £1,200,000. This million is the lowest value of the goods sent to Europe, for which no satisfaction is made.*

About £100,000 a year is also remitted from Bengal, on the company's account, to China; and the whole of the product of money flows into the direct trade from China to Europe. Besides this, Bengal sends a regular supply, in time of peace, to those presidencies which are unequal to their own establishment. To Bombay, the remittance in money, bills, or goods, for none of which there is a return, amounts to £160,000 a year, at a medium.

The goods, which are exported from Europe to India, consist chiefly of military and naval stores, of clothing for troops, and of other objects for the consumption of the Europeans residing there; and, excepting some lead, copper utensils and sheet copper, woollen cloth, and other commodities of little comparative value, no sort of merchandise is sent from England, that is in demand for the wants or desires of the native inhabitants.

* The sale, to the amount of about £100,000 annually, of the export from Great Britain ought to be deducted from this million.

When an account is taken of the intercourse, (for it is not commerce,) which is carried on between Bengal and England, the pernicious effects of the system of investment from revenue will appear in the strongest point of view. In that view, the whole exported produce of the country (so far as the company is concerned) is not exchanged in the course of barter; but is taken away without any return or payment whatsoever. In a commercial light, therefore, England becomes annually bankrupt to Bengal, to the amount nearly of its own dealing; or rather, the country has suffered what is tantamount to an annual plunder of its manufactures and its produce, to the value of £1,200,000.

In time of peace, three foreign companies appear at first sight to bring their contribution of trade to the supply of this continual drain. These are the companies of France, Holland, and Denmark. But when the object is considered more nearly, instead of relief, these companies, who from their want of authority in the country might seem to trade upon a principle merely commercial, will be found to add their full proportion to the calamity brought upon Bengal by the destructive system of the ruling power; because the greater part of the capital of all these companies, and perhaps the whole capital of some of them, is furnished exactly as the British is, out of the revenues of the country. The civil and military servants of the English East-India Company, being restricted in drawing bills upon Europe, and none of them ever making or proposing an establishment in India, a very great part of their fortunes, well or ill gotten, is in all probability thrown, as fast as required, into the cash of these companies.

In all other countries, the revenue, following the natural course and order of things, arises out of their commerce. Here, by a mischievous inversion of that order, the whole foreign maritime trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the country, without producing any thing to compensate so heavy a loss.

Your committee have not been able to discover the entire value of the investment made by foreign companies. But as the investment, which the English East-India Company derived from its revenues, and even from its public credit, is for the year 1783 to be wholly stopped, it has been proposed to private persons to make a subscription for an investment on their own account. This investment is to be equal to the sum of £800,000. Another loan has been also made for an investment on the company's account to China, of £200,000. This makes £1,000,000; and there is no question, that much more could be readily had for bills upon Europe. Now, as there is no doubt that the whole of the money remitted is the property of British subjects, (none else having any interest in remitting to Europe,) it is not unfair to suppose, that a very great part, if not the whole of what may find its way into this new channel, is not newly created; but only diverted from those channels, in which it formerly ran, that is, the cash of the foreign trading companies.

Besides the investment made in goods by foreign companies from the funds of British subjects, these subjects have been for some time in the practice of sending very great sums in gold and silver directly to China on their own account. In a memorial presented to the governor-general and council, in March, 1782, it appears, that the principal money lent by British subjects to one company of merchants in China then amounted to $7,000,000, about £1,700,000 sterling: and not the smallest particle of silver sent to China ever returns to India. It is not easy to determine in what proportions this enormous sum of money has been sent from Madras, or from Bengal, but it equally exhausts a country belonging to this kingdom, whether it comes from the one or from the other.

But that the greatness of all these drains, and their effects, may be rendered more visible, your committee have turned their consideration to the employment of those parts of the

Bengal revenue, which are not employed in the company's own investments for China and for Europe. What is taken over and above the investment (when an investment can be made) from the gross revenue, either for the charge of collection, or for civil and military establishments, is in time of peace £2,000,000 at the least. From the portion of that sum, which goes to the support of civil government, the natives are almost wholly excluded, as they are from the principal collections of revenue. With very few exceptions, they are only employed as servants and agents to Europeans, or in the inferior departments of collection, when it is absolutely impossible to proceed a step without their assistance. For some time after the acquisition of the territorial revenue, the sum of £420,000 a year was paid, according to the stipulation of a treaty, to the nabob of Bengal for the support of his government. This sum, however inconsiderable compared to the revenues of the province, yet, distributed through the various departments of civil administration, served in some degree to preserve the natives of the better sort, particularly those of the Mahomedan profession, from being utterly ruined. The people of that persuasion, not being so generally engaged in trade, and not having on their conquest of Bengal divested the ancient Gentû proprietors of their lands of inheritance, had for their chief, if not their sole support, the share of a moderate conqueror in all offices civil and military. But your committee find that this arrangement was of a short duration. Without the least regard to the subsistence of this innocent people, or to the faith of the agreement, on which they were brought under the British government, this sum was reduced, by a new treaty, to £320,000; and soon after (upon a pretence of the present nabob's minority, and a temporary sequestration for the discharge of his debts) to £160,000: but when he arrived at his majority, and when the debts were paid, the sequestration still continued. And, so far as the late advices may be understood, the allowance to the nabob appears still to stand at the reduced sum of £160,000.

The other resource of the Mahomedans, and of the Gentûs of certain of the higher casts, was the army. In this army, nine-tenths of which consists of natives, no native, of whatever description, holds any rank higher than that of a *subadar commandant*, that is, of an officer below the rank of an English subaltern, who is appointed to each company of the native soldiery.

Your committee here would be understood to state the ordinary establishment, for the war may have made some alteration. All the honorable, all the lucrative, situations of the army, all the supplies and contracts, of whatever species, that belong to it, are solely in the hands of the English; so that whatever is beyond the mere subsistence of a common soldier and some officers of a lower rank, together with the immediate expenses of the English officers at their table, is sooner or later, in one shape or another, sent out of the country.

Such was the state of Bengal even in time of profound peace, and before the whole weight of the public charge fell upon that unhappy country for the support of other parts of India, which had been desolated in such a manner as to contribute little or nothing to their own protection.

Your committee have given this short comparative account of the effects of the maritime traffic of Bengal, when in its natural state, and as it has stood since the prevalence of the system of an investment from the revenues. But before the formation of that system, Bengal did by no means depend for its resources on its maritime commerce. The inland trade, from whence it derived a very great supply of silver and gold, and many kinds of merchantable goods, was very considerable. The higher provinces of the Mogul empire were then populous and opulent, and intercourse to an immense amount was carried on between them and Bengal. A great trade also passed through these provinces from all the countries on the frontier of Persia and the frontier provinces of Tartary, as well as from Surat and Baroach on the western side of India.

These parts opened to Bengal a communication with the Persian Gulf and with the Red Sea, and through them with the whole Turkish and the maritime parts of the Persian empire, besides the commercial intercourse which it maintained with those and many other countries through its own seaports.

During that period the remittances to the Mogul's treasury from Bengal were never very large, at least for any considerable time, nor very regularly sent; and the impositions of the state were soon repaid with interest, through the medium of a lucrative commerce. But the disorders of Persia, since the death of Kouli Khân, have wholly destroyed the trade of that country; and the trade to Turkey, by Judda and Bussorah, which was the greatest, and, perhaps, the best branch of the Indian trade, is very much diminished. The fall of the throne of the Mogul emperors has drawn with it that of the great marts of Agra and Delhi. The utmost confusion of the north-western provinces followed this revolution, which was not absolutely complete, until it received the last hand from Great Britain. Still greater calamities have fallen upon the fine provinces of Rohilcund and Oude, and on the countries of Corah and Allahabad. By the operations of the British arms and influence, they are in many places turned to mere deserts, or so reduced and decayed as to afford very few materials or means of commerce.

Such is the actual condition of the trade of Bengal, since the establishment of the British power there. The commerce of the Carnatick, as far as the inquiries of your committee have extended, did not appear with a better aspect, even before the invasion of Hyder Ali Khân, and the consequent desolation, which, for many years to come, must exclude it from any considerable part of the trading system.

It appears on the examination of an intelligent person concerned in trade, and who resided at Madras for several years, that, on his arrival there, which was in the year 1767, that city was in a flourishing condition, and one of the first marts

in India; but when he left it, in 1779, there was little or no trade remaining, and but one ship belonging to the whole place. The evidence of this gentleman purports, that at his first acquaintance with the Carnatick it was a well cultivated and populous country, and, as such, consumed many articles of merchandise; that, at his departure, he left it much circumscribed in trade, greatly in the decline as to population and culture, and with a correspondent decay of the territorial revenue.

Your committee find, that there has also been from Madras an investment on the company's account, taking one year with another, very nearly on the same principles, and with the same effects, as that from Bengal; and they think it is highly probable, that, besides the large sums remitted directly from Madras to China, there has likewise been a great deal on a private account, for that and other countries, invested in the cash of foreign and European powers trading on the coast of Coromandel. But your committee have not extended their inquiries, relative to the commerce of the countries dependent on Madras, so far as they have done with regard to Bengal. They have reason to apprehend that the condition is rather worse; but, if the house requires a more minute examination of this important subject, your committee is willing to enter into it without delay.

III.—EFFECT OF THE REVENUE INVESTMENT ON THE COMPANY.

Hitherto, your committee has considered this system of revenue investment, substituted in the place of a commercial link between India and Europe, so far as it affects India only: they are now to consider it as it affects the company. So long as that corporation continued to receive a vast quan-

tity of merchantable goods, without any disbursement for the purchase, so long it possessed wherewithal to continue a dividend, to pay debts, and to contribute to the state. But it must have been always evident, to considerate persons, that this vast extraction of wealth from a country, lessening in its resources in proportion to the increase of its burthens, was not calculated for a very long duration. For a while, the company's servants kept up this investment, not by improving commerce, manufactures, or agriculture, but by forcibly raising the land-rents on the principles and in the manner hereafter to be described. When these extortions disappointed or threatened to disappoint expectation, in order to purvey for the avarice which raged in England, they sought for expedients in breaches of all the agreements, by which they were bound by any payment to the country powers, and in exciting disturbances among all the neighboring princes. Stimulating their ambition, and fomenting their mutual animosities, they sold to them reciprocally their common servitude and ruin.

The governor-general, Mr. Hastings, and the council, tell the directors, "That the supply for the investment has arisen from *casual* and *extraordinary* resources, which they could not expect *always* to command." In an earlier minute he expresses himself still more distinctly; he says, "If the internal resources of a state fail it, or are not equal to its *occasional* wants, whence can it obtain immediate relief, but from *external* means?" Indeed, the investment has not been for any long time the natural product of the revenue of Bengal: when, by the vast charge, and by the ill return of an evil political and military traffic, and by a prodigal increase of establishments, and a profuse conduct in distributing agencies and contracts, they found themselves under difficulties, instead of being cured of their immoral and impolitic delusion, they plunged deeper into it, and were drawn from expedient to expedient for the supply of the investment, into that endless chain of wars, which this house, by its resolutions, has

so justly condemned. At home these measures were sometimes countenanced, sometimes winked at, sometimes censured, but always with an acceptance of whatever profit they afforded.

At length the funds for the investment, and for these wars together, could no longer be supplied. In the year 1778, the provision for the investment, from the revenues and from the monopolies, stood very high. It was estimated at £1,400,000; and of this it appears that a great deal was realized. But this was the high flood-tide of the investment; for in that year they announce its probable decline, and that such extensive supplies could not be continued. The advances to the board of trade became less punctual, and many disputes arose about the time of making them. However, knowing that all their credit at home depended on the investment, or upon an opinion of its magnitude, whilst they repeat their warning of a probable deficiency, and that their "finances bore an unfavorable aspect," in the year 1779, they rate the investment still higher. But their payments becoming less and less regular, and the war carrying away all the supplies, at length Mr. Hastings, in December, 1780, denounced sentence of approaching dissolution to this system, and tells the directors that "he bore too high a respect for their characters to treat them with the management of a preparatory and gradual introduction to an unpleasing report. That it is the *only substantial* information he shall have to convey in that letter." In confidence, therefore, of their fortitude, he tells them without ceremony, "that there will be a necessity of making a large reduction, or possibly a *total suspension* of their investment; that they had already been reduced to borrow near £700,000. This resource (says he) cannot last; it must cease at a certain period, and that, perhaps, not far *distant.*"

He was not mistaken in his prognostic. Loans now becoming the regular resource for retrieving the investment, whose ruin was inevitable, the council enable the board of

trade, in April, 1781, to grant certificates for government bonds, at eight per cent. interest for about £650,000. The investment was fixed at £900,000.

But now another alarming system appeared. These new bonds overloaded the market; those which had been formerly issued were at a discount; the board of trade was obliged to advance, therefore, a fourth more than usual to the contractors. This seemed to satisfy that description of dealers. But as those who bought on agency were limited to no terms of mutual advantage, and the bonds on the new issue falling from three to eight, nine, and ten per cent. discount, the agents were unable to furnish at the usual prices. Accordingly, a discount was settled on such terms as could be made. The lowest discount, and that at two places only, was at four per cent., which, with the interest on the bonds, made, (besides the earlier advance,) at the least, twelve per cent. additional charge upon all goods. It was evident, that as the investment, instead of being supported by the revenues, was sunk by the fall of their credit, so the net revenues were diminished by the daily accumulation of an interest accruing on account of the investment. What was done to alleviate one complaint thus aggravating the other, and at length proving pernicious to both, this trade on bonds likewise came to its period.

Your committee has reason to think that the bonds have since that time sunk to a discount much greater even than what is now stated. The board of trade justly denominates their resource for that year "the sinking credit of a paper currency, laboring, from the uncommon scarcity of specie, under disadvantages scarcely surmountable." From this they value themselves "on having effected an *ostensible* provision, at least, for that investment." For 1783 nothing appears even ostensible.

By this failure a total revolution ensued, of the most extraordinary nature, and to which your committee wish to call the particular attention of the house. For the council general,

in their letter of the 8th of April, 1782, after stating that they were disappointed in their expectations, (how grounded it does not appear,) "thought that they should be able to spare a sum to the board of trade"—they tell the court of directors "that they had adopted a *new* method of keeping up the investment, by private subscribers for eighty lacks of rupees, which will find *cargoes for their ships* on the usual terms of privilege, at *the risk of the individuals;* and is to be repaid to *them according to the produce of the sales in England.*" And they tell the directors that "a copy of the plan makes a number in their separate despatches over land."

It is impossible, in reporting this revolution to the house, to avoid remarking with what fidelity Mr. Hastings and his council have adhered to the mode of transmitting their accounts, which your committee found it necessary to mark and censure in their first report. Its pernicious tendency is there fully set forth. They were peculiarly called on for a most accurate state of their affairs, in order to explain the necessity of having recourse to such a scheme, as well as for a full and correct account of the scheme itself. But they send only the above short minute by one despatch over land, whilst the copy of the plan itself, on which the directors must form their judgment, is sent separately in another despatch over land, which has never arrived. A third despatch, which also contained the plan, was sent by a sea conveyance, and arrived late. The directors have, for very obvious reasons, ordered, by a strict injunction, that they should send *duplicates of all* their despatches by *every ship*. The spirit of this rule perhaps ought to extend to every mode of conveyance. In this case, so far from sending a duplicate, they do not send even one perfect account. They announce a plan by one conveyance, and they send it by another conveyance, with other delays and other risks.

At length, at nearly four months' distance, the plan has been received, and appears to be substantially that which had been announced, but developing in the particulars many new

circumstances of the greatest importance. By this plan it appears that the subscription, even in idea or pretence, is not for the use of the company, but that the subscribers are united into a sort of society for the remitting their *private fortunes*. The goods, indeed, are said to be *shipped on the company's account*, and they are directed to be sold on the same account, and at the usual periods of sale; but after the payment of duties, and such other allowances as they choose to make, in the 11th article, they provide "that the *remainder of the sales shall revert to the subscribers*, and be declared to *be their property*, and divided in proportion to *their* respective shares." The compensation, which they allow in this plan to their masters for their brokerage, is, that, if (after deducting all the charges which they impose) "the amount of the sales *should be found* to exceed two shillings and two pence for the current rupee of the invoice account, it shall be taken by the company." For the management of this concern in Bengal they choose commissioners by their own authority. By the same authority they form them into a body, they put them under rules and regulations, and they empower them also to make regulations of their own. They remit, by the like authority, the duties to which all private trade is subject, and they charge the whole concern with seven per cent. to be paid from the net produce of the sales in England, as a recompense to the commissioners; for this the commissioners contract to bear all the charges on the goods to the time of shipping.

The servants having formed this plan of trade, and a new commission for the conduct of it, on their private account, it is a matter of consideration to know who the commissioners are. They turn out to be the three senior servants of the company's board of trade, who choose to take upon them to be the factors of others, for large emoluments, whilst they receive salaries of £2000, and £1500 a year from the company. As the company have no other fund than the new investment, from whence they are to be paid for the care of their

servants' property, this commission and those salaries being to take place of their brokerage, they in effect render it very difficult, if not impossible, for them to derive advantage from their new occupation.

As to the benefit of this *plan*:—besides preventing the loss, which must happen from the company's ships returning empty to Europe, and the stopping of all trade between India and England, the authors of it state, that it will "*open a new channel* of remittance, and abolish the practice, by precluding the necessity, of remitting *private fortunes* by *foreign bottoms*; and that it may lead to some *permanent mode* for remittance of private fortunes, and of combining it with the regular provision of the company's investment. That it will yield *some* profit to the company without risk; and the national gain will be the same as upon the regular trade."

As to the combination of this mode of remittance with the company's investment, nothing can be affirmed concerning it, until some satisfactory assurance can be held out, that such an investment can ever be realized. Mr. Hastings and the gentlemen of the council have not afforded any ground for such an expectation. That the Indian trade may become a permanent vehicle of the private fortunes of the company's servants is very probable; that is, as permanent as the means of acquiring fortunes in India; but that *some profit* will accrue to the company is absolutely impossible. The company are to bear all the charge outwards, and a very great part of that homewards; and their only compensation is the surplus commission on the sale of other people's goods. The nation will undoubtedly avoid great loss and detriment, which would be the inevitable consequence of the total cessation of the trade with Bengal, and the ships returning without cargoes. But if this temporary expedient should be improved into a system, no occasional advantages to be derived from it would be sufficient to balance the mischiefs of finding a great parliamentary corporation turned into a vehicle, for remitting to England the private fortunes of those for whose

benefit the territorial possessions in India are, in effect and substance, under this project, to be *solely* held.

By this extraordinary scheme, the company is totally overturned, and all its relations inverted. From being a body concerned in trade on their own account, and employing their servants as factors, the servants have, at one stroke, taken the whole trade into their own hands, on their own capital of £800,000, at their own risk; and the company are become agents and factors to them, to sell by commission *their* goods for *their* profit.

To enable your committee to form some judgment upon the profit, which may accrue to the company from its new relation and employment, they directed, that an estimate should be made of the probable proceeds of an investment conducted on the principles of that intended to be realized for 1783. By this estimate,* which is subjoined, it appears

* ESTIMATE of the sale amount, and net proceeds in England, of the cargoes to be sent from Bengal, agreeable to the plan received by letter dated the 8th April, 1782.

This calculation supposes the 80 lack investments will be equal to the tonnage of five ships.

b 2. To custom	£320,000	*a* 1. By sale amount of piece goods and raw silk	£1,300,000
c 3. To freight	200,000		
d 4. To 5 per cent. duty on £1,300,000	65,000	Discount 6½ per cent. allowed the Buyers	84,500
e 5. To 2 do. warehouse room do.	26,000		
7 do. commission on £604,500	42,315		
	£653,315		£1,215,500
f 6. To balance	562,185		
	£1,215,500		

a 1. The sale amount is computed on an average of the Sales of the two last years' imports.

b 2. The custom is computed on an average of what was paid on piece goods and raw silk of said imports, adding additional imposts.

c 3. The ships going out of this Season (1782), by which the above investment is expected to be sent home, are taken up at £47 5*s*. per ton for

to your committee, that so far from any surplus profit from this transaction, the Bengal adventurers themselves, instead of realizing two shillings and two pence the rupee (the standard they fix for their payment,) will not receive the one shilling and nine pence which is its utmost value in silver at the mint; nor probably above one shilling and five pence. With this certain loss before their eyes, it is impossible that they can ever complete their subscription, unless, by management among themselves, they should be able to procure the goods for their own account upon other terms than those on which they purchased them for their masters, or unless they have for the supply of the company, on their hands, a quantity of goods, which they cannot otherwise dispose of. This latter case is not very improbable, from their proposing to send ten sixteenths of the whole investment in silk: which, as will be seen hereafter, the company has prohibited to be sent on their account, as a disadvantageous article. Nothing, but the servants being overloaded, can rationally account for their choice of so great a proportion of so dubious a commodity.

On the statement made by two reports of a committee of the general court in 1782, their affairs were even then reduced to a low ebb. But under the arrangement announced by

the homeward cargo; this charge amounts to £35,815 each ship; the additional wages to the men, which the company pay, and a very small charge for demurrage, will increase the freight, &c. to £40,000 per ship, agreeable to the above estimate.

d 4. The duty of 5 per cent. is charged by the company on the gross sale amount of all private trade licensed to be brought from India; the amount of this duty is the only benefit the company are likely to receive from the subscription investment.

e 5. This charge is likewise made on private trade goods, and is little (if any thing) more than the real expense the company are at on account of the same; therefore no benefit will probably arise to the company from it on the sale of the said investment.

f 6. This is the sum which will probably be realized in England, and is only equal to one shilling and five pence per rupee, on the eighty lacks subscribed.

Mr. Hastings and his colleagues, it does not appear, after this period of the servants' investment, from what fund the proprietors are to make any dividend at all. The objects of the sale, from whence the dividend is to arise, are not *their* goods: they stand accountable to others for the whole probable produce. The state of the company's commerce will therefore become an object of serious consideration; an affair, as your committee apprehends, of as much difficulty as ever tried the faculties of this house. For, on the one hand, it is plain, that the system of providing the company's import into Europe, resting almost wholly on an investment from its territorial revenues, has failed: during its continuance it was supported on principles fatal to the prosperity of that country. On the other hand, if the nominal commerce of the company is suffered to be carried on for the account of the servants abroad, by investing the emoluments made in their stations, these emoluments are therefore inclusively authorized, and with them the practices from which they accrue. All parliamentary attempts to reform this system will be contradictory to its institution. If, for instance, £500,000 sterling annually be necessary for this kind of investment, any regulation which may prevent the acquisition of that sum operates against the investment, which is the end proposed by the plan.

On this new scheme (which is neither calculated for a future security, nor for a present relief to the company) it is not visible in what manner the settlements in India can be at all upheld. The gentlemen in employments abroad call for the whole produce of the year's investment from Bengal; but for the payment of the counter-investment from Europe, which is, for the far greater part, sent out for the support of their power, no provision at all is made: they have not, it seems, agreed that it should be charged to their account, or that any deduction should be made for it from the produce of their sales in Leadenhall-street. How far such a scheme is preferable to the total suspension of trade, your committee

cannot positively determine. In all likelihood, extraordinary expedients were necessary; but the causes which induced this necessity ought to be more fully inquired into, for the last step in a series of conduct may be justifiable upon principles that suppose great blame in those which preceded it.

After your committee had made the foregoing observations upon the plan of Mr. Hastings and his colleagues transmitted to the court of directors, an extract of the Madras consultations was a few days ago laid before us. This extract contains a letter from the governor-general and council of Bengal to the presidency of fort St. George, which affords a very striking, though to your committee by no means an unexpected, picture of the instability of their opinions and conduct. On the 8th of April the servants had regularly formed and digested the above-mentioned plan, which was to form the basis for the investment of their own fortunes, and to furnish the sole means of the commercial existence of their masters. Before the 10th of the following May, which is the date of their letter to Madras, they informed Lord Macartney that they had fundamentally altered the whole scheme. "Instead (say they) of allowing the subscribers to retain an interest in the goods, they are to be provided entirely on account of the company, and transported *at their risk;* and the subscribers, instead of receiving certificates payable out of the produce of the sales in Europe, are to be granted receipts on the payment of their advances, bearing an interest of eight per cent. per annum, until exchanged for draughts on the court of directors, payable three hundred and sixty-five days after sight, at the rate of two shillings per current rupee, which draughts shall be granted in the proper time of three-eighths of the amount subscribed on the 31st of December next, and the remaining five-eighths on the 31st of December, 1783."

The plan of April divests the company of all property in Bengal goods transported to Europe; but in recompense they are freed from all the risk and expense, they are not loaded

with interest, and they are not embarrassed with bills. The plan of May reinstates them in their old relation, but in return, their revenues in Bengal are charged with an interest of eight per cent. on the sum subscribed, until bills shall be drawn. They are made proprietors of cargoes purchased under the disadvantage of that interest at their own hazard. They are subjected to all losses, and they are involved in Europe for payments of bills to the amount of eighty lacks of rupees, at two shillings the rupee, that is, in bills for £800,000 sterling. It is probable on account of the previous interest of eight per cent. that the value of the rupee on this scheme is reduced. Mr. Hastings and his colleagues announce to Lord Macartney no other than the foregoing alteration in their plan.

It is discouraging to attempt any sort of observation on plans thus shifting their principle, whilst their merits are under examination. The judgment formed on the scheme of April has nothing to do with the project of May. Your committee has not suppressed any part of the reflections which occurred to them on the former of these plans; first, because the company knows of no other by any regular transmissions; secondly, because it is by no means certain, that, before the expiration of June the governor-general and council may not revert to the plan of April. They speak of that plan as likely to be (or make a part of one that shall be) *permanent*. Many reasons are alleged by its authors in its favor, grounded on the state of their affairs; none whatever are assigned for the alteration. It is, indeed, morally certain, that persons who had money to remit must have made the same calculation, which has been made by the directions of your committee, and the result must have been equally clear to them; which is, that instead of realizing two shillings and two pence the rupee on their subscription, as they proposed, they could never hope to see more than one shilling and nine pence. This calculation probably shook the main pillar of the project of April. But on the other hand, as the subscri-

bers to the second scheme can have no certain assurance that the company will accept bills so far exceeding their allowance in this particular, the necessity of remitting their fortunes may beat them back to their old ground. The Danish company was the only means of remitting which remained. Attempts have been made with success to revive a Portuguese trade for that purpose. It is by no means clear, whether Mr. Hastings and his colleagues will adhere to either of the foregoing plans; or, indeed, whether any investment at all to that amount can be realized; because nothing but the convenience of remitting the gains of British subjects to London can support any of these projects.

The situation of the company under this perpetual variation in the system of their investment is truly perplexing. The manner in which they arrive at any knowledge of it is no less so. The letter to Lord Macartney, by which the variation is discovered, was not intended for transmission to the directors. It was merely for the information of those who were admitted to a share of the subscription at Madras. When Mr. Hastings sent this information to those subscribers, he might well enough have presumed an event to happen, which did happen; that is, that a vessel might be despatched from Madras to Europe; and, indeed, by that and by every devisable means, he ought not only to have apprized the directors of this most material change in the plan of the investment, but to have entered fully into the grounds and reasons of his making it.

It appears to your committee, that the ships, which brought to England the plan of the 8th of April, did not sail from Bengal until the 1st of May. If the change had been in contemplation for any time before the 13th of April, two days would have sufficed to send an account of it, and it might have arrived along with the plan which it affected. If, therefore, such a change was in agitation before the sailing of the ships, and yet was concealed when it might have been communicated, the concealment is censurable. It is

not improbable that some change of the kind was made or meditated before the sailing of the ships for Europe; for it is hardly to be imagined, that reasons wholly unlooked for should appear for setting aside a plan concerning the success of which, the council general seemed so very confident; that a new one should be proposed; that its merits should be discussed among the moneyed men; that it should be adopted in council, and officially ready for transmission to Madras, in twelve or thirteen days. In this perplexity of plan and of transmission, the court of directors may have made an arrangement of their affairs on the groundwork of the first scheme, which was officially and authentically conveyed to them. The fundamental alteration of that plan in India might require another of a very different kind in England, which the arrangements taken in consequence of the first might make it difficult, if not impossible, to execute. What must add to the confusion is, that the alteration has not the regular and official authority of the original plan, and may be presumed to indicate with certainty nothing more than that the business is *again* afloat, and that no scheme is finally determined on. Thus the company is left without any fixed data upon which they can make a rational disposition of their affairs.

The fact is, that the principles and economy of the company's trade have been so completely corurpted by turning it into a vehicle for tribute, that, whenever circumstances require it to be replaced again upon a bottom truly commercial, hardly any thing but confusion and disasters can be expected as the first results. Even before the acquisition of the territorial revenues, the system of the company's commerce was not formed upon principles the most favorable to its prosperity; for whilst, on the one hand, that body received encouragement by royal and parliamentary charters, was invested with several ample privileges, and even with a delegation of the most essential prerogatives of the crown; on the other, its commerce was watched with an invidious jeal-

ousy, as a species of dealing dangerous to national interests. In that light, with regard to the company's imports, there was a total prohibition from domestic use of the most considerable articles of their trade; that is, of all silk stuffs, and stained and painted cottons. The British market was in a great measure interdicted to the British trader. Whatever advantages might arise to the general trading interests of the kingdom by this restraint, its East-India interest was undoubtedly injured by it. The company is, also, and has been from a very early period, obliged to furnish the ordnance with a quantity of saltpetre at a certain price, without any reference to the standard of the markets, either of purchase or of sale. With regard to their export, they were put also under difficulties upon very mistaken notions; for they were obliged to export annually a certain proportion of British manufactures, even though they should find for them in India none, or but an unprofitable want. This compulsory export might operate, and in some instances has operated, in a manner more grievous than a tax to the amount of the loss in trade. For the payment of a tax is in general divided in unequal portions between the vender and consumer, the largest part falling upon the latter. In the case before us, the tax may be as a dead charge on the trading capital of the company.

The spirit of all these regulations naturally tended to weaken, in the very original constitution of the company, the main spring of the commercial machine, the *principles of profit and loss*. And the mischief arising from an inattention to those principles has constantly increased with the increase of its power. For when the company had acquired the rights of sovereignty in India, it was not to be expected that the attention to profit and loss would have increased. The idea of remitting tribute in goods naturally produced an indifference to their price and quality; the goods themselves appearing little else than a sort of package to the tribute. Merchandise, taken as tribute, or bought in lieu of it, can

never long be of a kind, or of a price fitted to a market, which stands solely on its commercial reputation. The indifference of the mercantile sovereign to his trading advantages naturally relaxed the diligence of his subordinate factor-magistrates, through all their gradations, and in all their functions; it gave rise, at least so far as the principle was concerned, to much neglect of price and of goodness in their purchases. If ever they showed any extraordinary degrees of accuracy and selection, it would naturally be in favor of that interest to which they could not be indifferent. The company might suffer above, the natives might suffer below; the intermediate party must profit to the prejudice of both.

Your committee are of opinion that the company is now arrived at that point when the investment, from surplus revenue, or from the spoil of war, ceasing, it is become much more necessary to fix its commerce upon a commercial basis. And this opinion led your committee to a detailed review of all the articles of the Indian traffic upon which the profit and loss was steady: and we have chosen a period of four years, during the continuance of the revenue investment, and prior to any borrowing, or any extraordinary drawing of bills, in order to find out how far the trade, under circumstances when it will be necessary to carry it on by borrowing, or by bills, or by exportation of bullion, can be sustained in the former course, so as to secure the capital, and to afford a reasonable dividend. And your committee find that in the first four years the investment from Bengal amounted to £4,176,525. Upon £2,260,277 there was a gain of £186,377, and upon £1,916,248 a loss of £705,566; so that the excess of loss above gain, upon the whole of the foregoing capital, was in the four years no less than £519,229.

If the trade were confined to Bengal, and the company were to trade on those terms upon a capital borrowed at eight per cent. Indian interest, their revenues in that province would be soon so overpowered with debt, that those revenues, instead of supporting the trade, would be totally de-

stroyed by it. If, on the other hand, the company traded upon bills, with every advantage, far from being in a condition to divide the smallest per-centage, their bankruptcy here would be inevitable.

Your committee then turned to the trade of the other factories and presidencies, and they constantly found that, as the power and dominion of the company was less, their profit on the goods was greater. The investments of Madras, Bombay, and Bencoolen have, in the foregoing four years, upon a capital of £1,151,176, had a gain upon the whole of £329,622. The greatest of all is that of Bencoolen, which, on a capital of £76,571, produced a profit of £107,760. This, however, is but a small branch of the company's trade. The trade to China, on a capital of £1,717,463, produced an excess of gain, amounting to £874,096, which is about fifty per cent. But such was the evil influence of the Bengal investment, that not only the profits of the Chinese trade, but of all the lucrative branches taken together, were so sunk and ingulfed in it, that the whole profit on a capital of £7,045,164 reached to no more than £684,489; that is, to £189,607 less than the profit on the Chinese trade alone; less than the total profits on the gainful trades taken together, £520,727.

It is very remarkable that, in the year 1778, when the Bengal investment stood at the highest, that is, so high as £1,223,316, though the Chinese trade produced an excess of gain in that year of £209,243, and that no loss of moment could be added to that of Bengal, (except about £45,000 on the Bombay trade,) the whole profit of a capital of £2,040,787 amounted only to the sum of £9,480.

The circumstances of the time have rendered it necessary to call up a vigorous attention to this state of the trade of the company between Europe and India.

INTERNAL TRADE OF BENGAL.

The internal trade of Bengal has next attracted the inquiries of your committee.

The great and valuable articles of the company's investment, drawn from the articles of internal trade, are raw silk, and various descriptions of piece goods made of silk and cotton. These articles are not under any formal monopoly; nor does the company at present exercise a *declared* right of preemption with regard to them. But it does not appear that the trade in these particulars is or can be perfectly free; not so much on account of any direct measures taken to prevent it, as from the circumstances of the country, and the manner of carrying on business there. For the present trade, even in these articles, is built from the ruins of old monopolies and preëmptions, and necessarily partakes of the nature of its materials.

In order to show in what manner manufactures and trade so constituted contribute to the prosperity of the natives, your committee conceives it proper to take, in this place, a short general view of the progress of the English policy with relation to the commerce of Bengal, and the several stages and gradations by which it has been brought into its actual state. The modes of abuse, and the means by which commerce has suffered, will be considered in greater detail under the distinct heads of those objects which have chiefly suffered by them.

During the time of the Mogul government, the princes of that race, who omitted nothing for the encouragement of commerce in their dominions, bestowed very large privileges and immunities on the English East-India Company, exempting them from several duties, to which their natural-born subjects were liable. The company's dustuck, or passport,

secured to them this exemption at all the custom-houses and toll-bars of the country. The company not being able, or not choosing, to make use of their privilege to the full extent to which it might be carried, indulged their servants with a qualified use of their passport, under which, and in the name of the company, they carried on a private trade, either by themselves, or in society with natives; and thus found a compensation for the scanty allowances made to them by their masters in England. As the country government was at that time in the fulness of its strength, and that this immunity existed by a double connivance, it was naturally kept within tolerable limits.

But, by the revolution in 1757, the company's servants obtained a mighty ascendant over the native princes of Bengal, who owed their elevation to the British arms. The company, which was new to that kind of power, and not yet thoroughly apprized of its real character and situation, considered itself still as a trader in the territories of a foreign potentate, in the prosperity of whose country it had neither interest nor duty. The servants, with the same ideas, followed their fortune in the channels in which it had hitherto run, only enlarging them with the enlargement of their power. For their first ideas of profit were not official; nor were their oppressions those of ordinary despotism. The first instruments of their power were formed out of evasions of their ancient subjection. The passport of the company in the hands of its servants was no longer under any restraint; and in a very short time their immunity began to cover all the merchandise of the country. Cossim Ali Khân, the second of the nabobs, whom they had set up, was but ill disposed to the instruments of his greatness. He bore the yoke of this imperious commerce with the utmost impatience: he saw his subjects excluded as aliens from their own trade, and the revenues of the prince overwhelmed in the ruin of the commerce of his dominions. Finding his reiterated remonstrances on the extent and abuse of the passport ineffec-

tual, he had recourse to an unexpected expedient, which was to declare his resolution at once to annul all the duties on trade, setting it equally free to subjects and to foreigners.

Never was a method of defeating the oppressions of monopoly more forcible, more simple, or more equitable: no sort of plausible objection could be made; and it was in vain to think of evading it. It was therefore met with the confidence of avowed and determined injustice. The presidency of Calcutta openly denied to the prince the power of protecting the trade of his subjects, by the remission of his own duties. It was evident that his authority drew to its period; many reasons and motives concurred, and his fall was hastened by the odium of the oppressions which he exercised voluntarily, as well as of those to which he was obliged to submit.

When this example was made, Jaffier Ali Khân, who had been deposed to make room for the last actor, was brought from penury and exile to a station, the terms of which he could not misunderstand. During his life, and in the time of his children who succeeded to him, parts of the territorial revenue were assigned to the company; and the whole, under the name of residency at the nabob's court, was brought, directly or indirectly, under the control of British subjects. The company's servants, armed with authorities delegated from the nominal government, or attended with what was a stronger guard, the fame of their own power, appeared as magistrates in the markets, in which they dealt as traders. It was impossible for the natives in general to distinguish, in the proceedings of the same persons, what was transacted on the company's account, from what was done on their own; and it will ever be so difficult to draw this line of distinction, that, as long as the company does, directly or indirectly, aim at any advantage to itself in the purchase of any commodity whatever, so long will it be impracticable to prevent the servants availing themselves of the same privileges.

The servants, therefore, for themselves, or for their em-

ployers, monopolized every article of trade, foreign and domestic; not only the raw merchantable commodities, but the manufactures; and not only these, but the necessaries of life, or what, in these countries, habit has confounded with them; not only silk, cotton, piece goods, opium, saltpetre, but not unfrequently salt, tobacco, betel nut, and the grain of most ordinary consumption. In the name of the country government they laid on or took off, and at their pleasure heightened or lowered, all duties upon goods: the whole trade of the country was either destroyed or in shackles. The acquisition of the Duanné, in 1765, bringing the English into the immediate government of the country, in its most essential branches, extended and confirmed all the former means of monopoly.

In the progress of these ruinous measures, through all their details, innumerable grievances were suffered by the native inhabitants, which were represented in the strongest, that is, their true, colors, in England. Whilst the far greater part of the British in India were in eager pursuit of the forced and exorbitant gains of a trade carried on by power, contests naturally arose among the competitors. Those, who were overpowered by their rivals, became loud in their complaints to the court of directors, and were very capable, from experience, of pointing out every mode of abuse.

The court of directors, on their part, began, though very slowly, to perceive, that the country, which was ravaged by this sort of commerce, was their own. These complaints obliged the directors to a strict examination into the real sources of the mismanagement of their concerns in India, and to lay the foundations of a system of restraint on the exorbitancies of their servants. Accordingly, so early as the year 1765, they confine them to a trade only in articles of export and import, and strictly prohibit them from all dealing in objects of internal consumption. About the same time, the presidency of Calcutta found it necessary to put a restraint upon themselves, or at least to make a show of a disposition

(with which the directors appear much satisfied) to keep their own enormous power within bounds.

But, whatever might have been the intentions, either of the directors or the presidency, both found themselves unequal to the execution of a plan, which went to defeat the projects of almost all the English in India; possibly comprehending some who were makers of the regulations. For, as the complaint of the country or as their own interest predominated with the presidency, they were always shifting from one course to the other; so that it became as impossible for the natives to know upon what principle to ground any commercial speculation, from the uncertainty of the law under which they acted, as it was when they were oppressed by power, without any color of law at all; for the directors, in a few months after they had given these tokens of approbation to the above regulations in favor of the country trade, tell the presidency, "It is with concern we see, in *every page* of your consultations, *restrictions*, *limitations*, *prohibitions*, *affecting various articles of trade.*"

On their side, the presidency freely confess that these monopolies of inland trade "were the foundation of all the bloodsheds, massacres, and confusions which have happened of late in Bengal."

Pressed in this urgent manner, the directors came more specifically to the grievance, and at once annul all the passports with which their servants traded without duties, holding out means of compensation, of which it does not appear that any advantage was taken. In order that the duties, which existed, should no longer continue to burthen the trade either of the servants or natives, they ordered that a number of oppressive toll-bars should be taken away, and the whole number reduced to nine of the most considerable.

When Lord Clive was sent to Bengal to effect a reformation of the many abuses which prevailed there, he considered monopoly to be so inveterate and deeply rooted, and the just

rewards of the company's servants to be so complicated with that injustice to the country, that the latter could not easily be removed without taking away the former. He adopted, therefore, a plan for dealing in certain articles, which, as he conceived, rather ought to be called "a regulated and restricted trade," than a formal monopoly. By this plan he intended that the profits should be distributed in an orderly and proportioned manner for the reward of services, and not seized by each individual according to the measure of his boldness, dexterity, or influence.

But this scheme of monopoly did not subsist long, at least in that mode, and for those purposes. Three of the grand monopolies, those of opium, salt, and saltpetre, were successively by the company taken into their own hands. The produce of the sale of the two former articles was applied to the purchase of goods for their investment; the latter was exported in kind for their sales in Europe. The senior servants had a certain share of emolument allotted to them from a commission on the revenues. The junior servants were rigorously confined to salaries, on which they were unable to subsist according to their rank. They were strictly ordered to abstain from all dealing in objects of internal commerce. Those of export and import were left open to young men without mercantile experience, and wholly unprovided with mercantile capitals; but abundantly furnished with large trusts of the public money and with all the powers of an absolute government. In this situation, a religious abstinence from all illicit gain was prescribed to men at nine thousand miles' distance from the seat of the supreme authority.

Your committee is far from meaning to justify, or even to excuse, the oppressions and cruelties used by many, in supplying the deficiencies of their regular allowances by all manner of extortion. But many smaller irregularities may admit some alleviation from thence. Nor does your committee mean to express any desire of reverting to the mode

(contrived in India, but condemned by the directors) of rewarding the servants of an higher class by a regulated monopoly. Their object is to point out the deficiencies in the system, by which restrictions were laid that could have little or no effect, whilst want and power were suffered to be united.

But the proceedings of the directors at that time, though not altogether judicious, were in many respects honorable to them, and favorable, in the intention at least, to the country they governed. For finding their trading capital employed against themselves and against the natives, and struggling in vain against abuses, which were inseparably connected with the system of their own preference in trade, in the year 1773, they came to the manly resolution of setting an example to their servants, and gave up all use of power and influence in the two grand articles of their investment, silk and piece goods. They directed that the articles should be bought at an equal and public market from the native merchants; and this order they directed to be published in all the principal marts of Bengal.

Your committee are clearly of opinion, that no better method of purchase could be adopted. But it soon appeared, that in deep-rooted and inveterate abuses the wisest principles of reform may be made to operate so destructively, as wholly to discredit the design, and to dishearten all persons from the prosecution of it. The presidency, who seemed to yield with the utmost reluctance to the execution of these orders, soon made the directors feel their evil influence upon their own investment. For they found the silk and cotton cloths rose twenty-five per cent. above their former price, and a further rise of forty per cent. was announced to them.

SILK.

What happened with regard to raw silk is still more remarkable, and tends still more clearly to illustrate the effects of commercial servitude during its unchecked existence, and the consequences which may be made to arise from its sudden reformation. On laying open the trade, the article of raw silk was instantly enhanced to the company full eighty per cent. The contract for that commodity, wound off in the Bengal method, which used to sell for less than six rupees, or thirteen shillings for two pounds weight, arose to nine rupees, or near twenty shillings, and the filature silk was very soon after contracted for at fourteen.

The presidency accounted for this rise, by observing, that the price had before been *arbitrary*, and that the persons who purveyed for the company, paid no more than "what was *judged* sufficient for the maintenance of the first providers." This fact explains, more fully than the most labored description can do, the dreadful effects of the monopoly on the cultivators. They had the *sufficiency* of their maintenance measured out by the judgment of those who were to profit by their labor; and this measure was not a great deal more, by their own account, than about two-thirds of the value of that labor. In all probability it was much less; as these dealings rarely passed through intermediate hands without leaving a considerable profit. These oppressions, it will be observed, were not confined to the company's share, which, however, covered a great part of the trade; but as this was an article permitted to the servants, the same power of arbitrary valuation must have been extended over the whole, as the market must be equalized, if any authority at all is extended over it, by those who have an interest in the restraint. The price was not only raised, but in the manufactures the quality was debased nearly in an equal proportion. The directors conceived, with great reason, that this rise of

price and debasement of quality arose not from the effect of a free market, but from the servants having taken that opportunity of throwing upon the market of their masters the refuse goods of their own private trade, at such exorbitant prices as by mutual connivance they were pleased to settle. The mischief was greatly aggravated by its happening at a time, when the company were obliged to pay for their goods with bonds bearing an high interest.

The perplexed system of the company's concerns, composed of so many opposite movements and contradictory principles, appears no where in a more clear light. If trade continued under restraint, their territorial revenues must suffer by checking the general prosperity of the country; if they set it free, means were taken to raise the price and debase the quality of the goods; and this again fell upon the revenues out of which the payment for the goods was to arise. The observations of the company on that occasion are just and sagacious, and they will not permit the least doubt concerning the policy of these unnatural trades. "The amount of our Bengal cargoes, from 1769 to 1773, is £2,901,194 sterling, and if the average increase of price be estimated at twenty-five per cent. only, the amount of such increase is £725,298 sterling." "The above circumstances are exceedingly alarming to us; but what must be our concern to find by the advices of our president and council of 1773, that a further advance of forty per cent. on Bengal goods was expected and allowed to be the consequence of advertisements then published, authorizing a free trade in the service?' "We find the Duanné revenues are in general farmed for five years, and the aggregate increase estimated at only £183,170 sterling, (on a supposition that such increase will be realized,) yet if the annual investment be sixty lacks, and the advance of price thirty per cent. only, such advance will *exceed the increase of the revenue by no less than* £829,330 *sterling*."

The indignation which the directors felt at being reduced

to this distressing situation was expressed to their servants in very strong terms. They attributed the whole to their practices, and say, "We are far from being convinced that the competition which tends to raise the price of goods in Bengal is wholly between public European companies, or between merchants in general, who export to foreign markets: we are rather of opinion that the sources of this grand evil have been the extraordinary privileges granted to individuals in our service, or under our license, to trade without restriction throughout the provinces of Bengal; and the encouragement they have had to extend their trade to the uttermost, even in such goods as were proper for our investment, by observing the success of those persons, who have from time to time *found means to dispose of their merchandise to our governor and council*, though of so bad a quality as to be sold here with great difficulty, after having been frequently refused, and put up at the next sale without price, to the very great discredit and disadvantage of the company." In all probability the directors were not mistaken; for, upon an inquiry instituted soon after, it was found that Cantû Babû, the Banian, or native steward and manager to Mr. Hastings, (late president,) held two of these contracts in his own name and that of his son, for considerably more than £150,000. This discovery brought on a prohibition from the court of directors of that suspicious and dangerous dealing in the stewards of persons in high office. The same man held likewise farms to the amount of £140,000 a year of the landed revenue, with the same suspicious appearance, contrary to the regulations made under Mr. Hastings's own administration.

In the mortifying dilemma to which the directors found themselves reduced, whereby the ruin of the revenues, either by the freedom or the restraint of trade, was evident, they considered the first as most rapid and urgent; and therefore once more revert to the system of their ancient preemption, and destroy that freedom which they had so lately

and with so much solemnity proclaimed, and that before it could be abused or even enjoyed. They declare, that "unwilling as we are to return to the *former coercive system* of providing an investment, or to abridge that freedom of commerce which has been so lately established in Bengal, yet, at the same time, finding it our indispensable duty to strike at the *root* of an evil, which has been so severely felt by the company, and which can no longer be supported, we hereby direct that all persons whatever in the company's service, *or under our protection*, be absolutely prohibited, by public advertisement, from trading in any of those articles which compose our investment, directly or indirectly, except on account of and for the East India Company, until their investment is completed."

As soon as this order was received in Bengal, it was construed, as indeed the words seemed directly to warrant, to exclude all natives, as well as servants, from the trade, until the company was supplied. The company's preëmption was now authoritatively reëstablished, and some feeble and ostensible regulations were made to relieve the weavers who might suffer by it. The directors imagined that the reëstablishment of their coercive system would remove the evil, which fraud and artifice had grafted upon one more rational and liberal. But they were mistaken; for it only varied, if it did so much as vary, the abuse. The servants might as essentially injure their interest by a direct exercise of their power, as by pretexts drawn from the freedom of the natives; but with this fatal difference, that the frauds upon the company must be of shorter duration under a scheme of freedom. That state admitted, and indeed led to means of discovery and correction, whereas the system of coercion was likely to be permanent. It carried force further than served the purposes of those who authorized it; it tended to cover all frauds with obscurity, and to bury all complaint in despair. The next year therefore, that is, in the year 1776, the company, who complained that their

orders had been extended beyond their intentions, made a third revolution in the trade of Bengal. It was set free again, so far, at least, as regarded the native merchants; but in so imperfect a manner, as evidently to leave the roots of old abuses in the ground. The supreme court of judicature about this time (1776) also fulminated a charge against monopolies, without any exception of those authorized by the company. But it does not appear that any thing very material was done in consequence of it.

The trade became nominally free; but the course of business established in consequence of coercive monopoly was not easily altered. In order to render more distinct the principles which led to the establishment of a course and habit of business, so very difficult to change as long as those principles exist, your committee think it will not be useless here to enter into the history of the regulations made in the first and favorite matter of the company's investment, the trade in *raw silk*, from the commencement of these regulations to the company's perhaps finally abandoning all share in the trade, which was their object.

RAW SILK.

The trade in *raw silk* was at all times more popular in England than really advantageous to the company. In addition to the old jealousy which prevailed between the company and the manufactory interest of England, they came to labor under no small odium on account of the distresses of India. The public in England perceived, and felt with a proper sympathy, the sufferings of the eastern provinces in all cases, in which they might be attributed to the abuses of power exercised under the company's authority. But they were not equally sensible to the evils which arose from a system of sacrificing the being of that country to the advantage of this. They entered very readily into the former,

but with regard to the latter were slow and incredulous. It is not, therefore, extraordinary that the company should endeavor to ingratiate themselves with the public by falling in with its prejudices. Thus they were led to increase the grievance, in order to allay the clamor. They continued still upon a larger scale, and still more systematically, that plan of conduct, which was the principal, though not the most blamed, cause of the decay and depopulation of the country committed to their care.

With that view, and to furnish a cheap supply of materials to the manufactures of England, they formed a scheme which tended to destroy, or, at least, essentially to impair, the whole manufacturing interest of Bengal. A policy of that sort could not fail of being highly popular, when the company submitted itself as an instrument for the improvement of British manufactures, instead of being their most dangerous rival, as heretofore they had been always represented.

They accordingly notified to their presidency in Bengal, in their letter of the 17th of March, 1769, that "there was no branch of their trade they more ardently wish to extend than that of raw silk." They disclaim, however, all desire of employing compulsory measures for that purpose, but recommended every mode of encouragement, and particularly by augmented wages, "*in order to induce manufacturers of wrought silk to quit that branch, and take to the winding of raw silk.*"

Having thus found means to draw hands from the manufacture, and confiding in the strength of a capital drawn from the public revenues, they pursue their ideas from the purchase of their manufacture to the purchase of the material in its crudest state. "We recommend you to give an *increased price*, if necessary, *so as to take that trade out of the hands of other merchants and rival nations.*" A double bounty was thus given against the manufactures, both in the labor and in the materials.

It is very remarkable in what manner their vehement pursuit of this object led the directors to a speedy oblivion of those equitable correctives before interposed by them, in order to prevent the mischiefs which were apparent in the scheme, if left to itself. They could venture so little to trust to the bounties given from the revenues, a trade which had a tendency to dry up their source, that, by the time they had proceeded to the 33d paragraph of their letter, they revert to those very compulsory means which they had disclaimed but three paragraphs before. To prevent silk-winders from working in their private houses, where they might work for private traders, and to confine them to the company's factories, where they could only be employed for the company's benefit, they desire that the newly-acquired power of government should be effectually employed: "Should (say they) this practice, through *inattention*, have been suffered to take place again, it will be proper to put a stop to it, which may *now be more effectually done by an absolute prohibition, under severe penalties, by the authority of government.*"

This letter contains a perfect plan of policy, both of compulsion and encouragement, which must, in a very considerable degree, operate destructively to the manufactures of Bengal. Its effect must be (so far as it could operate without being eluded) to change the whole face of that industrious country, in order to render it a field for the produce of crude materials, subservient to the manufactures of Great Britain. The manufacturing hands were to be seduced from their looms by high wages, in order to prepare a raw produce for our market; they were to be locked up in the factories; and the commodity acquired by these operations was, in this immature state, carried out of the country, whilst its looms would be left without any material but the debased refuse of a market enhanced in its price, and scanted in its supply. By the increase of the price of this and other materials, manufactures, formerly the most flourishing, gradually disappeared

under the protection of Great Britain, and were seen to rise again and flourish on the opposite coast of India, under the dominion of the Mahrattas.

These restraints and encouragements seem to have had the desired effect in Bengal, with regard to the diversion of labor from manufacture to materials. The trade of raw silk increased rapidly. But the company very soon felt, in the increase of price and debasement of quality of the wrought goods, a loss to themselves which fully counterbalanced all the advantages to be derived to the nation from the increase of the raw commodity. The necessary effect on the revenue was also foretold very early. For their servants in the principal silk factories declared, that the obstruction to the private trade in silk must in the end prove detrimental to the revenues, *and that the* investment clashes with the collection of these revenues. Whatsoever, by bounties or immunities, is encouraged out of a landed revenue, has certainly some tendency to lessen the net amount of that revenue, and to forward a produce which does not yield to the gross collection, rather than one that does.

The directors declare themselves unable to understand how this could be. Perhaps it was not so difficult. But, pressed as they were by the greatness of the payments, which they were compelled to make to government in England, the cries of Bengal could not be heard among the contending claims of the general court, of the treasury, and of Spital Fields. The speculation of the directors was originally fair and plausible (so far as the mere encouragement of the commodity extended.) Situated as they were, it was hardly in their power to stop themselves in the course they had begun. They were obliged to continue their resolution, at any hazard increasing the investment. "The state of our affairs (say they) requires the utmost extension of your investments. You are not to forbear sending even those sorts, *which are attended with loss*, in case such should be necessary to supply an investment to as great an amount

as *you can provide from your own resources;* and we have not the least doubt of your being thereby enabled to increase your consignments of this valuable branch of national commerce even to the utmost of your wishes. But it is our positive order, that no part of such investment be provided with borrowed money, which is to be repaid by *draughts upon our treasury in London;* since the license, which has already been taken in this respect, has involved us in difficulties, which we yet know not how we shall surmount."

This very instructive paragraph lays open the true origin of the internal decay of Bengal. The trade and revenues of that country were (as the then system must necessarily have been) of secondary consideration at best. Present supplies were to be obtained, and present demands in England were to be avoided, at every expense to Bengal.

The spirit of increasing the investment from revenue at any rate, and the resolution of driving all competitors, Europeans or natives, out of the market, prevailed at a period still more early, and prevailed not only in Bengal, but seems, more or less, to have diffused itself through the whole sphere of the company's influence. In 1768, they gave to the presidency of Madras the following memorable instruction, strongly declaratory of their general system of policy.

"We shall depend upon your prudence (say they) to discourage foreigners; and being intent, as you have been repeatedly acquainted, on bringing home as great a part of the revenues as possible in your manufactures, the outbidding them, in those parts where they interfere with you, would certainly prove an effectual step for answering that end. We therefore recommend it to you to offer such increase of price as you shall deem may be consistently given; that, by beating them out of the market, the quantities by you to be provided may be proportionably enlarged; and if you take this method, it is to be so cautiously practised as not to enhance the prices in the places immediately under your control. On this subject we must not omit the approval of your

prohibiting the weavers of Cuddalore from making up any cloth of the same sortments that are provided for us; and if such prohibition is not now, it should by all means be, in future, *made general, and strictly maintained.*"

This system must have an immediate tendency towards disordering the trade of India, and must finally end in great detriment to the company itself. The effect of the restrictive system on the weaver is evident. The authority given to the servants to buy at an advanced price, did, of necessity, furnish means and excuses for every sort of fraud in their purchases. The instant the servant of a merchant is admitted, on his own judgment, to overbid the market, or to send goods to his master which shall sell at loss, there is no longer any standard upon which his unfair practices can be estimated, or any effectual means by which they can be restrained. The hope, entertained by the directors, of confining this destructive practice of giving an enhanced price to a particular spot must ever be found totally delusive. Speculations will be effected by this artificial price in every quarter, in which markets can have the least communication with each other.

In a very few years the court of directors began to feel, even in Leadenhall-street, *the effects of trading to loss* upon the revenues, especially on those of Bengal.

In the letter of February, 1774, they observe, that "looking back to their accounts for the four preceding years, on several of the descriptions of silk, there has been an *increasing loss*, instead of any alteration for the better in the last year's productions. This (they say) threatens the destruction of that valuable branch of national commerce." And then they recommend *such regulations* (as if regulations in that state of things could be of any service) as may obtain "a profit in future, instead of so considerable a loss, which *we can no longer sustain.*"

Your committee thought it necessary to inquire into the losses which had actually been suffered by this unnatural forced trade; and find the loss, so early as the season of

1776, to be £77,650; that, in the year 1777, it arose to £168,205. This was so great, that worse could hardly be apprehended; however, in the season of 1778 it amounted to £255,070. In 1779 it was not so ruinously great, because the whole import was not so considerable; but it still stood enormously high; so high as £141,800. In the whole four years it came to £642,725. The observations of the directors were found to be fully verified. It is remarkable that the same article in the China trade produced a considerable and uniform profit. On this circumstance little observation is necessary.

During the time of their struggles for enlarging this losing trade, which they considered as a national object, what in one point of view it was, and if it had not been grossly mismanaged, might have been in more than one, in this part it is impossible to refuse to the directors a very great share of merit; no degree of thought, of trouble, or of reasonable expense, was spared by them for the improvement of the commodity. They framed with diligence, and apparently on very good information, a code of manufacturing regulations for that purpose; and several persons were sent out, conversant in the Italian method of preparing and winding silk, aided by proper machines for facilitating and perfecting the work. This, under proper care, and in course of time, might have produced a real improvement to Bengal; but, in the first instance, it naturally drew the business from native management; and it caused a revulsion from the trade and manufactures of India, which led us naturally and inevitably to an European monopoly, in some hands or other, as any of the modes of coercion, which were or could be employed. The evil was present, and inherent in the act. The means of letting the natives into the benefit of the improved system of produce was likely to be counteracted by the general ill conduct of the company's concerns abroad. For a while, at least, it had an effect still worse; for the company, purchasing the raw cocoon, or silk-pod, at a fixed rate, the first

producer, who, whilst he could wind at his own house, employed his family in this labor, and could procure a reasonable livelihood by buying up the cocoons for the Italian filature, now incurred the enormous and ruinous loss of fifty per cent. This appears in a letter to the presidency, written by Mr. Boughton Rouse, now a member of your committee. But, for a long time, a considerable quantity of that in the old Bengal mode of winding was bought for the company from contractors, and it continues to be so bought to the present time; but the directors complain, in their letter of the 12th of May, 1780, that both species, particularly the latter, had risen so extravagantly, that it was become more than forty per cent. dearer than it had been fifteen years ago. In that state of price they condemn their servants, very justly, for entering into contracts for three years; and that for several kinds of silk, of very different goodness, upon averages unfairly formed, where the commodities, averaged at an equal price, differed from twenty to thirty per cent. on the sale. Soon after, they formed a regular scale of fixed prices, above which they found they could not trade without loss.

Whilst they were continuing these methods to secure themselves against future losses, the Bengal ships, which arrived in that year, announced nothing but their continuance. Some articles by the high price, and others from their ill quality, were such "as never could answer to be sent to Europe at any price." The directors renew their prohibition of making fresh contracts, the present being generally to expire in the year 1781. But this trade, whose fundamental policy might have admitted of a doubt, as applied to Bengal, (whatever it might have been with regard to England,) was now itself expiring in the hands of the company, so that they were obliged to apply to government for power to enlarge their capacity of receiving bills upon Europe. The purchase by these bills they entirely divert from raw silk, and order to be laid out wholly in piece goods.

Thus, having found by experience, that this trade, whilst

carried on upon the old principles, (of whatever advantage it might have been to the British manufacturers, or to the individuals who were concerned in it in Bengal,) had proved highly detrimental to the company, the directors resolved to expunge the raw silk from their investment. They gave up the whole to private traders, on condition of paying the freight, charges, and duties; permitting them to send it to Europe in the company's ships upon their own account.

The whole of this history will serve to demonstrate that all attempts, which, in their original system, or in their necessary consequences, tend to the distress of India, must, and in a very short time will, make themselves felt even by those in whose favor such attempts have been made. India may possibly, in some future time, bear and support itself under an extraction of measure or of goods; but much care ought to be taken, that the influx of wealth shall be greater in quantity and prior in time to the waste.

On abandoning the trade in silk to private hands, the directors issued some prohibitions to prevent monopoly; and they gave some directions about the improvement of the trade. The prohibitions were proper, and the directions prudent; but it is much to be feared, that, whilst all the means, instruments, and powers remain, by which monopolies were made, and through which abuses formerly prevailed, all verbal orders will be fruitless.

This branch of trade, being so long principally managed by the company's servants, for the company, and under its authority, cannot be easily taken out of their hands, and pass to the natives, especially when it is to be carried on without the control naturally inherent in all participation. It is not difficult to conceive how this forced preference of traffic in a raw commodity must have injured the manufactures, while it was the policy of the company to continue the trade on their own account. The servants, so far from deviating from their course, since they have taken the trade into their own management, have gone much further into it. The proportion of

raw silk in the investment is to be augmented. The proportion of the whole cargoes for the year 1783, divided into sixteen parts, is ten of raw silk, and six only of manufactured goods. Such is the proportion of this losing article in the scheme for the investment of private fortunes.

In the reformed scheme of sending the investment on account of the company, to be paid in bills upon Europe, no mention is made of any change of these proportions. Indeed, some limits are attempted on the article of silk, with regard to its price; and it is not improbable that the price to the master and the servant will be very different; but they cannot make profitable purchases of this article, without strongly condemning all the former purchases of the board of trade.

CLOTHS, OR PIECE GOODS.

The general system above stated, relative to the silk trade, must materially have affected the manufactures of Bengal, merely as it was a system of preference. It does by no means satisfactorily appear to your committee, that the freedom held out by the company's various orders has been ever fully enjoyed, or that the grievances of the native merchants and manufacturers have been redressed. For we find, on good authority, that, at that very period at which it might be supposed that these orders had their operation, the oppressions were in full vigor. They appear to have fallen heaviest on the city of Dacca, formerly the great staple for the finest goods in India; a place once full of opulent merchants and dealers of all descriptions.

The city and district of Dacca, before the prevalence of the East-India Company's influence and authority, manufactured annually to about £300,000 value in cloths. In the year 1776 it had fallen to about £200,000, or two-thirds of its former produce. Of this the company's demand amounted only to a fourth part, that is, about £50,000 yearly. This

was at that time provided by agents for the company, under the inspection of their commercial servants. On pretence of securing an advantage for this fourth part for their masters, they exerted a most violent and arbitrary power over the whole. It was asserted that they fixed the company's mark to such goods as they thought fit, (to all goods, as stated in one complaint,) and disposed of them as they thought proper, excluding not only all the native dealers, but the Dutch company, and private English merchants; that they made advances to the weavers, often beyond their known ability, to repay in goods within the year; and by this means, having got them in debt, held them in perpetual servitude. Their inability to keep accounts left them at the discretion of the agents of the supreme power to make their balances what they pleased; and they recovered them not by legal process, but by seizure of their goods, and arbitrary imprisonment of their persons. One and the same dealer made the advance, valued the return, stated the account, passed the judgment, and executed the process.

Mr. Rouse, chief of the Dacca province, who struggled against those evils, says that, in the year 1773, there were no balances due, as the trade was then carried on by the native brokers. In less than three years these balances amounted to an immense sum; a sum lost to the company, but existing in full force for every purpose of oppression. In the amount of these balances, almost every weaver in the country bore a part, and consequently they were almost all caught in this snare. "They are, in general," (says Mr. Rouse, in a letter to General Clavering, delivered to your committee,) "a timid, helpless people; many of them poor, to the utmost degree of wretchedness; incapable of keeping accounts; industrious as it were by instinct; unable to defend themselves, if oppressed; and satisfied, if with continual labor they derive, from the fair dealing and humanity of their employer, a moderate subsistence for their families."

Such were the people who stood accused by the company's

agents as *pretending* grievances, in order to be excused the payment of their balances As to the commercial state of the province in general, Mr. Rouse represents it "to be for these two years a perpetual scene of complaint and disputation:—the company's agents professing to pay higher rates to weavers, whilst the Leadenhall sales showed an heavy loss to the company. The weavers have even travelled in multitudes, to prefer their complaints at the presidency. The amount of the investment comparatively small, with balances comparatively large, and, as I understand, generally contested by the weavers. The native merchants, called *Delâls*, removed from their influence, as prejudicial to the company's concerns; and European merchants complaining against undue influence of the company's commercial agents, in preventing the free purchase even of those goods which the company never takes."

The spirit of those agents will be fully comprehended from a state of the proceedings before Mr. Rouse and counsel, on the complaint of a Mr. Cree, an English free merchant at Dacca, who has been twice treated in the same injurious manner by the agents of Mr. Hurst, the commercial chief at that place. On his complaint to the board, of the seizure of the goods and imprisonment of his agents, Mr. Hurst was called upon for an explanation. In return, he informed them that he had sent to one of the villages to inquire concerning the matter of fact alleged. The impartial person, sent to make this inquiry, was the very man accused of the oppressions into which he was sent to examine. The answer of Mr. Hurst is in an high and determined tone. He does not deny that there are some instances of abuse of power. "But I ask," says he, "what *authority* can guard against the conduct of individuals? but that a *single* instance cannot be brought of a general depravity." Your committee have reason to believe these coercive measures to have been very general, though employed according to the degree of resistance opposed to the monopoly; for we find, at one time, the

whole trade of the Dutch involved in the general servitude. But it appears very extraordinary that nothing but the actual proof of a *general* abuse could affect a practice, the very principle of which tends to make the coercion as general as the trade. Mr. Hurst's reflection, concerning the abuse of *authority*, is just; but in this case it is altogether inapplicable, because the complaint was not of the abuse, but of the use of authority in matters of trade, which ought to have been free. He throws out a variety of invidious reflections against the council, as if they wanted zeal for the company's service. His justification of his practices, and his declaration of his resolution to persevere in them, are firm and determined; asserting the right and policy of such restraints, and laying down a rule for his conduct at the factory, which, he says, will give no cause of just complaint to private traders. He adds, "I have no doubt but that they have hitherto provided investments, and it cannot turn to my interest to preclude them *now*, though I must ever think it my duty to combat the private views of individuals, who *set themselves up as competitors* under that very body, under whose license and indulgence only they can derive their privilege of trade: all I contend for is the *same influence* my employers have ever had." He ends by declining any reply to any of their future references of this nature.

The whole of this extraordinary letter is inserted in the Appendix, No. 51; and Mr. Rouse's minute of observations upon it in Appendix, No. 52, fully refuting the few pretexts alleged in that extraordinary performance, in support of the trade by influence and authority. Mr. Holland, one of the counsel, joined Mr. Rouse in opinion, that a letter to the purport of that minute should be written; but they were overruled by Mesrs. Purling, Hogarth, and Shakespeare, who passed a resolution to defer sending any reply to Mr. Hurst, and none was ever sent. Thus they gave countenance to the doctrine contained in that letter, as well as to the mischievous practices, which must inevitably arise from the

exercise of such power. Some temporary and partial relief was given by the vigorous exertions of Mr. Rouse; but he shortly after removing from that government, all complaints were dropped.

It is remarkable, that, during the long and warm contest between the company's agents and the dealers of Dacca, the board of trade seem to have taken a decided part against the latter. They allow some sort of justice in the complaints of the manufacturers with regard to low valuation, and other particulars: but they say, that, "although (during the time of preëmption) it appears the weavers *were not allowed the same liberty of selling to individuals they before enjoyed;* our opinion on the whole is, that these complaints have originated upon the premeditated designs of the delâls [factors or brokers] *to thwart the new mode* of carrying on the company's business, *and to render themselves necessary.*" They say in another place, that there is no ground for the dissatisfactions and difficulties of the weavers; "that they are owing to the delâls, *whose aim it is to be employed.*"

This desire of being employed, and of rendering themselves necessary, in men, whose only business it is to be employed in trade, is considered by the gentlemen of the board as no trivial offence; and accordingly they declare, "they have established it as *an invariable rule*, that *whatever deficiency* there might be in the Dacca investment, no purchase of the manufactures of *that quarter* shall be made for account of the company from private merchants. We have passed this resolution, which we deem of importance, from a persuasion that private merchants are often *induced* to make advances for Dacca goods not by the ordinary chance of sale, but merely from an expectation of disposing of them at an enhanced price to the company, against *whom a rivalship* is by this manner encouraged;" and they say, "that they intend to observe the *same* rule with respect to the investment of other of the factories, from whence similar complaints may come."

This positive rule is opposed to the positive directions of the company, to employ those obnoxious persons by preference. How far this violent use of authority, for the purpose of destroying rivalship, has succeeded in reducing the price of goods to the company, has been made manifest by the facts before stated in their place.

The recriminatory charges of the company's agents on the native merchants have made very little impression on your committee. We have nothing in favor of them but the assertion of a party powerful and interested. In such cases of mutual assertion and denial, your committee are led irresistibly to attach abuse to power, and to presume that suffering and hardship are more likely to attend on weakness, than that any combination of unprotected individuals is of force to prevail over influence, power, wealth, and authority. The complaints of the native merchants ought not to have been treated in any of those modes in which they were then treated. And when men are in the situation of complainants against unbounded power, their abandoning their suit is far from a full and clear proof of their complaints being groundless. It is not because redress has been rendered impracticable, that oppression does not exist; nor is the despair of sufferers any alleviation of their afflictions. A review of some of the most remarkable of the complaints made by the native merchants in that province is so essential for laying open the true spirit of the commercial administration, and the real condition of those concerned in trade there, that your committee, observing the records on this subject, and, at this period, full of them, could not think themselves justifiable in not stating them to the house.

Your committee have found many heavy charges of oppression against Mr. Barwell, whilst factory chief at Dacca; which oppressions are stated to have continued, and even to have been aggravated on complaint at Calcutta. These complaints appear in several memorials presented to the supreme council of Calcutta, of which Mr. Barwell was a

member. They appeared yet fully and more strongly in a bill in chancery, filed in the supreme court, which was afterwards recorded before the governor-general and council, and transmitted to the court of directors.

Your committee, struck with the magnitude and importance of these charges, and finding that with regard to those before the council no regular investigation has ever taken place; and finding also that Mr. Barwell had asserted, in a minute of council, that he had given a full answer to the allegations in that bill, ordered a copy of the answer to be laid before your committee, that they might be enabled to state to the house how far it appeared to them to be full, how far the charges were denied as to the fact, or, where the facts might be admitted, what justification was set up. It appeared necessary, in order to determine on the true situation of the trade and the merchants of that great city and district.

The secretary to the court of directors has informed your committee, that no copy of the answer is to be found in the India house; nor has your committee been able to discover that any has been transmitted. On this failure, your committee ordered an application to be made to Mr. Barwell for a copy of his answer to the bill, and any other information with which he might be furnished with regard to that subject.

Mr. Barwell, after reciting the above letter, returned in answer what follows:

"Whether the records of the supreme court of judicature are lodged at the India house, I am ignorant, but on those records my answer is certainly to be found. At this distance of time, I am sorry I cannot, from memory, recover the circumstances of this affair; but this I know, that the bill did receive a complete answer, and the people the fullest satisfaction; nor is it necessary for me to remark on the state of parties at that time in Bengal, could party have brought forward any particle of that bill, supported by any

verified fact. The principle, that introduced it in the proceedings of the governor-general and council, would likewise have given the verification of that one circumstance, whatever that might have been. As I generally attend in my place in the house, I shall with pleasure answer any invitation of the gentlemen of the committee, to attend their investigations up stairs, with every information and light in my power to give them."

"St. James's-square, 15th April, 1783."

Your committee considered, that with regard to the matter charged in the several petitions to the board, no sort of specific answer had been given at the time and place where they were made, and when and where the parties might be examined and confronted. It was considered also that the bill had been transmitted, with other papers relating to the same matter, to the court of directors, with the knowledge and consent of Mr. Barwell; and that he states that his answer had been filed, and no proceedings had upon it for eighteen months. In that situation it was thought something extraordinary, that no care was taken by him to transmit so essential a paper as his answer, and that he had no copy of it in his hands.

Your committee, in this difficulty, thought themselves obliged to decline any verbal explanation from the person who is defendant in the suit, relative to matters, which on the part of the complainant appear upon record, and to leave the whole matter, as it is charged, to the judgment of the house, to determine how far it may be worthy of a further inquiry, or how far they may admit such allegations as your committee could not think themselves justified in receiving.

To this effect your committee ordered a letter to be written to Mr. Barwell, from whom they received the following answer:

"Sir,

"In consequence of your letter of the 17th, I must re-

quest the favor of you to inform the select committee, that I expect from their justice, on any matter of public record, in which I am personally to be brought forward to the notice of the house, that they will, at the same time, point out to the house what part of such matter has been verified, and what parts have not, nor ever were attempted to be verified, though introduced in debate, and entered on the records of the governor-general and council of Bengal. I am anxious the information should be complete, or the house will not be competent to judge; and if it is complete, it will preclude all explanation as unnecessary.

"I am, sir,

"Your most obedient humble servant,

"RICHARD BARWELL."

"St. James's-square, 22d April, 1783."

"P. S. As I am this moment returned from the country, I had it not in my power to be earlier in acknowledging your letter of the 17th."

Your committee applied to Mr. Barwell, to communicate any papers which might tend to the elucidation of matters before them, in which he was concerned. This he has declined to do. Your committee conceive, that under the orders of the house, they are by no means obliged to make a complete statement of all the evidence, which may tend to criminate or exculpate every person whose transactions they may find it expedient to report; this, if not specially ordered, has not hitherto been, as they apprehend, the usage of any committee of this house. It is not for your committee, but for the discretion of the party, to call for, and for the wisdom of the house to institute, such proceedings as may tend finally to condemn or acquit. The reports of your committee are no charges, though they may possibly furnish *matter* for charge; and no representations or observations of theirs can either clear or convict, on any proceeding which

may hereafter be grounded on the facts which they produce to the house. Their opinions are not of a judicial nature. Your committee has taken abundant care that every important fact in their report should be attended with the authority for it, either in the course of their reflections or in the Appendix; to report every thing upon every subject before them, which is to be found on the records of the company, would be to transcribe, and in the event to print almost the whole of those voluminous papers. The matter which appears before them is, in a summary manner, this:

The Dacca merchants begin by complaining, that in November, 1773, Mr. Richard Barwell, then chief of Dacca, had deprived them of their employment and means of subsistence; that he had extorted from them 44,224 Arcot rupees (£4,731) by the terror of his threats, by long imprisonment and cruel confinement in the stocks; that afterwards they were confined in a small room near the factory gate, under a guard of sepoys; that their food was stopped, and they remained starving a whole day; that they were not permitted to take their food till next day at noon, and were again brought back to the same confinement, in which they were continued for six days, and were not set at liberty until they had given Mr. Barwell's banyan a certificate for forty thousand rupees; that in July, 1774, when Mr. Barwell had left Dacca, they went to Calcutta to seek justice; that Mr. Barwell confined them in his house at Calcutta, and sent them back under a guard of peons to Dacca; that in December, 1774, on the arrival of the gentlemen from Europe, they returned to Calcutta, and preferred their complaint to the supreme court of judicature.

The bill in chancery filed against Richard Barwell, John Shakespeare, and others, contains a minute specification of the various acts of personal cruelty, said to be practised by Mr. Barwell's orders, to extort money from these people. Among other acts of a similar nature, he is charged with having ordered the appraiser of the company's cloths, who

was an old man, and who asserts that he had faithfully served the company above sixteen years, without the least censure on his conduct, to be severely flogged without reason.

In the *manner* of confining the delâls with ten of their servants, it is charged on him, that, "when he first ordered them to be put into the stocks, it was at a time when the weather was exceedingly bad, and the rain very heavy, without allowing them the least covering for their heads, or any part of their body, or any thing to raise them from the wet ground; in which condition they were continued for many hours, until the said Richard Barwell thought proper to remove them into a far worse state, if possible, as if studying to exercise the most cruel acts of barbarity on them, &c.—And that during their imprisonment they were frequently carried to and tortured in the stocks, in the middle of the day, when the scorching heat of the sun was insupportable, notwithstanding which they were denied the least covering." These men assert that they had served the company, without blame, for thirty years—a period commencing long before the power of the company in India.

It was no slight aggravation of this severity, that the objects were not young, nor of the lowest of the people, who might by the vigor of their constitutions, or by the habits of hardship, be enabled to bear up against treatment so full of rigor. They were aged persons. They were men of a reputable profession.

The account given by these merchants of their first journey to Calcutta, in July, 1774, is circumstantial and remarkable. They say, "that on their arrival, *to their astonishment they soon learned that the governor, who had formerly been violently enraged against the said Richard Barwell, for different improprieties in his conduct, was now reconciled to him; and that, ever since there was a certainty of his majesty's appointments taking place in India, from being the most inveterate enemies, they were now become the most inti-*

mate friends; and that this account soon taught them to believe they were not any nearer justice from their journey to Calcutta, than they had been before at Dacca."

When this bill of complaint was, in 1776, laid before the council, to be transmitted to the court of directors, Mr. Barwell complained of the introduction of such a paper, and asserted, *that he had answered to every particular of it on oath, about eighteen months, and that, during this long period, no attempt had been made to controvert, refute, or even to reply to it.*

He did not, however, think it proper to enter his answer on the records along with the bill of whose introduction he complained.

On the declarations made by Mr. Barwell in his minute, (September, 1776,) your committee observe, that, considering him only as an individual, under prosecution in a court of justice, it might be sufficient for him to exhibit his defence in the court where he was accused; but that as a member of government, specifically charged before that very government with abusing the powers of his office in a very extraordinary manner, and for purposes (as they allege) highly corrupt and criminal, it appears to your committee hardly sufficient to say that he had answered elsewhere. The matter was to go before the court of directors, to whom the question of his conduct in that situation, a situation of the highest power and trust, was as much at least a question of state, as a matter of redress to be solely left to the discretion, capacity, or perseverance of individuals. Mr. Barwell might possibly be generous enough to take no advantage of his eminent situation; but these unfortunate people would rather look to his power than his disposition. In general, a man so circumstanced and so charged (though we do not know this to be the case with Mr. Barwell) might easily contrive, by legal advantages, to escape. The plaintiffs being at a great distance from the seat of government, and possibly affected by fear or fatigue, or seeing the impos-

sibility of sustaining, with the ruins of fortunes never perhaps very opulent, a suit against wealth, power, and influence, a compromise might even take place, in which circumstances might make the complainants gladly acquiesce. But the public injury is not in the least repaired by the acquiescence of individuals, as it touched the honor of the very highest parts of government. In the opinion of your committee, some means ought to have been taken to bring the bill to a discussion on the merits; or, supposing that such decree could not be obtained, by reason of any failure of proceeding on the part of the plaintiffs, some process, official or juridical, ought to have been instituted against them, which might prove them guilty of slander and defamation, in as authentic a manner as they had made their charge before the council as well as the court.

By the determination of Mr. Hurst, and the resolutions of the board of trade, it is much to be apprehended that the native mercantile interest must be exceedingly reduced. The above-mentioned resolutions of the board of trade, if executed in their rigor, must almost inevitably accomplish its ruin. The subsequent transactions are covered with an obscurity which your committee have not been able to dispel. All which they can collect, but that by no means distinctly, is, that as those who trade for the company in the articles of investment, may also trade for themselves in the same articles, the old opportunities of confounding the capacities must remain, and all the oppressions by which this confusion has been attended. The company's investments, as the general letter from Bengal of the 20th of November, 1775, par. 28, states the matter, "are never at a stand; advances are made, and goods are received all the year round." Balances, the grand instrument of oppression, naturally accumulate on poor manufacturers, who are intrusted with money. Where there is not a vigorous rivalship not only tolerated but encouraged, it is impossible ever to redeem the manufacturers from the servitude induced by those unpaid balances.

No such rivalship does exist: the policy practised and avowed is directly against it. The reason assigned in the board of trade's letter of the 28th of November, 1778, for its making their advances early in the season, is, to prevent the foreign merchants and private traders *interfering* with the purchase of their (the company's) assortments. "They also refer to the means taken to prevent this interference, in their letter of the 26th January, 1779." It is impossible that the small part of the trade should not fall into the hands of those who, with the name and authority of the governing persons, have such extensive contracts in their hands. It appears in evidence, that natives can hardly trade to the best advantage, (your committee doubt whether they can trade to any advantage at all,) if not joined with or countenanced by British subjects. The directors were, in 1775, so strongly impressed with this notion, and conceived the native merchants to have been even then reduced to so low a state, that, notwithstanding the company's earnest desire of giving them a preference, they "doubt whether there are at this time in Bengal native merchants possessed of property adequate to such undertaking, or of credit and responsibility sufficient to make it safe and prudent to trust them with such sums as might be necessary to enable them to fulfil their engagements with the company."

The effect, which so long continued a monopoly, followed by a preëmption, and then by partial preferences supported by power, must necessarily have in weakening the mercantile capital, and disabling the merchants from all undertakings of magnitude, is but too visible. However, a witness of understanding and credit does not believe the capitals of the natives to be yet so reduced as to disable them from partaking in the trade, if they were otherwise able to put themselves on an equal footing with Europeans.

The difficulties at the outset will, however, be considerable. For the long continuance of abuse has, in some measure, conformed the whole trade of the country to its false princi-

ple. To make a sudden change, therefore, might destroy the few advantages which attend any trade, without securing those which must flow from one established upon sound mercantile principles, whenever such a trade can be established. The fact is, that the forcible direction which the trade of India has had towards Europe, to the neglect, or rather to the total abandoning of the Asiatic, has, of itself, tended to carry even the internal business from the native merchant. The revival of trade in the native hands is of absolute necessity; but your committee is of opinion, that it will rather be the effect of a regular progressive course of endeavors for that purpose, than of any one regulation, however wisely conceived.

After this examination into the condition of the trade and traders in the principal articles provided for the investment to Europe, your committee proceeded to take into consideration those articles, the produce of which, after sale in Bengal, is to form a part of the fund for the purchase of other articles of investment, or to make a part of it in kind. These are, 1st, opium; 2dly, saltpetre; and 3dly, salt. These are all monopolized.

OPIUM.

The first of the internal authorized monopolies is that of opium. This drug, extracted from a species of the poppy, is of extensive consumption in most of the eastern markets. The best is produced in the province of Bahar: in Bengal, it is of an inferior sort, though of late it has been improved. This monopoly is to be traced to the very origin of our influence in Bengal. It is stated to have begun at Patna so early as the year 1761, but it received no considerable degree of strength or consistence until the year 1765; when the acquisition of the Dûanny opened a wide field for all projects of this nature. It was then adopted, and owned as

a resource for persons in office; was managed chiefly by the civil servants of the Patna factory, and for their own benefit. The policy was justified on the usual principles on which monopolies are supported, and on some peculiar to the commodity, to the nature of the trade, and to the state of the country: the security against adulteration; the prevention of the excessive home consumption of a pernicious drug; the stopping an excessive competition, which, by an over-proportioned supply, would at length destroy the market abroad; the inability of the cultivator to proceed in an expensive and precarious culture, without a large advance of capital; and lastly, the incapacity of private merchants to supply that capital on the feeble security of wretched farmers.

These were the principal topics on which the monopoly was supported. The last topic leads to a serious consideration on the state of the country; for in pushing it the gentlemen argued, that in case such private merchants should advance the necessary capital, the lower cultivators "*would get money in abundance.*" Admitting this fact, it seems to be a part of the policy of this monopoly to prevent the cultivator from obtaining the natural fruits of his labor. Dealing with a private merchant he could not get *money in abundance*, unless his commodity could procure *an abundant* profit. Further reasons, relative to the peace and good order of the province, were assigned for thus preventing the course of trade from the equitable distribution of the advantages of the produce, in which the first, the poorest, and the most laborious producer ought to have his first share. The cultivators (they add) would squander part of the money, and not be able to complete their engagements to the full; law-suits, and even battles, would ensue between the factors, contending for a deficient produce; and the farmers would discourage the culture of an object which brought so much disturbance into their districts. This competition, the operation of which they endeavor to prevent, is the natural cor-

rective of the abuse, and the best remedy which could be applied to the disorder, even supposing its probable existence.

Upon whatever reasons or pretences the monopoly of opium was supported, the real motive appears to be the profit of those who were in hopes to be concerned in it. As these profits promised to be very considerable, at length it engaged the attention of the company; and after many discussions, and various plans of application, it was at length taken for their benefit, and the produce of the sale ordered to be employed in the purchase of goods for their investment.

In the year 1773 it had been taken out of the hands of the council of Patna, and leased to two of the natives; but for a year only. The contractors were to supply a certain quantity of opium at a given price. Half the value was to be paid to those contractors in advance, and the other half on the delivery.

The proceedings on this contract demonstrated the futility of all the principles on which the monopoly was founded. The council, as a part of their plan, were obliged, by heavy duties, and by a limitation of the right of emption of foreign opium to the contractors for the home produce, to check the influx of that commodity from the territories of the nabob of Oude, and the rajah of Benares. In these countries no monopoly existed; and yet there the commodity was of such a quality, and so abundant, as to bear the duty, and, even with the duty, in some degree to rival the monopolist even in his own market. There was no complaint in those countries of want of advances to cultivators, or of law-suits and tumults among the factors; nor was there any appearance of the multitude of other evils, which had been so much dreaded from the vivacity of competition.

On the other hand, several of the precautions inserted in this contract, and repeated in all the subsequent, strongly

indicated the evils against which it is extremely difficult, if not impossible, to guard a monopoly of this nature, and in that country. For in the first contract entered into with the two natives, it was strictly forbidden to compel the tenants to the cultivation of this drug. Indeed, very shocking rumors had gone abroad, and they were aggravated by an opinion universally prevalent, that even in the season immediately following that dreadful famine, which swept off one third of the inhabitants of Bengal, several of the poorer farmers were compelled to plough up the fields they had sown with grain, in order to plant them with poppies for the benefit of the engrossers of opium. This opinion grew into a strong presumption, when it was seen that in the next year the produce of opium (contrary to what might be naturally expected in a year following such a dearth) was nearly doubled. It is true, that, when the quantity of land necessary for the production of the largest quantity of opium is considered, it is not just to attribute that famine to these practices, nor to any that were or could be used; yet, where such practices did prevail, they must have been very oppressive to individuals, extremely insulting to the feelings of the people, and must tend to bring great and deserved discredit on the British government. The English are a people who appear in India as a conquering nation; all dealing with them is, therefore, more or less a dealing with power. It is such when they trade on a private account; and it is much more so in any unauthorized monopoly, where the hand of government, which ought never to appear but to protect, is felt as the instrument in every act of oppression. Abuses must exist in a trade and a revenue so constituted; and there is no effectual cure for them but to entirely cut off their cause.

Things continued in this train until the great revolution in the company's government was wrought by the regulating act of the thirteenth of the king. In 1775 the new council general appointed by the act, took this troublesome business

again into consideration. General Clavering, Colonel Monson, and Mr. Francis, expressed such strong doubts of the propriety of this and of all other monopolies, that the directors, in their letter of the year following, left the council at liberty to throw the trade open, under a duty, if they should find it practicable. But General Clavering, who most severely censured monopoly in general, thought that this monopoly ought to be retained; but for a reason which shows his opinion of the wretched state of the country: for he supposed it impossible, with the power and influence which must attend British subjects in all their transactions, that monopoly could be avoided; and he preferred an avowed monopoly, which brought benefit to government, to a virtual engrossing, attended with profit only to individuals. But in this opinion he did not seem to be joined by Mr. Francis, who thought the suppression of this, and of all monopolies, to be practicable; and strongly recommended their abolition in a plan sent to the court of directors the year following.

The council, however, submitting to the opinion of this necessity, endeavored to render that dubious engagement as beneficial as possible to the company. They began by putting up the contract to the highest bidder. The proposals were to be sealed. When the seals came to be opened, a very extraordinary scene appeared. Every step in this business develops more and more the effect of this junction of public monopoly and private influence. Four English and eight natives were candidates for the contract; three of the English far outbid the eight natives. They who consider that the natives, from their superior dexterity, from their knowledge of the country and of business, and from their extreme industry, vigilance, and parsimony, are generally an over-match for Europeans, and indeed are, and must ultimately be employed by them in all transactions whatsoever, will find it very extraordinary that they did not, by the best offers, secure this dealing to themselves. It can be attributed to this cause, and this only, that they were conscious that

without power and influence to subdue the cultivators of the land to their own purposes, they never could afford to engage on the lowest possible terms. Those, whose power entered into the calculation of their profits, could offer, as they did offer, terms without comparison better; and therefore one of the English bidders, without partiality, secured the preference.

The contract to this first bidder, Mr. Griffiths, was prolonged from year to year; and as during that time frequent complaints were made by him to the council board, on the principle, that the years answered very differently, and that the business of one year ran into the other, reasons or excuses were furnished for giving the next contract to Mr. Mackenzie for three years. This third contract was not put up to auction as the second had been, and as this ought to have been. The terms were indeed something better for the company, and the engagement was subject to qualifications, which, though they did not remove the objection to the breach of the company's orders, prevented the hands of the directors from being tied up. A proviso was inserted in the contract, that it should not be in any wise binding, if the company, by orders from home, should alter the existing practice with regard to such dealing.

Whilst these things were going on, the evils which this monopoly was, in show and pretence, formed to prevent, still existed; and those which were naturally to be expected from a monopoly, existed too. Complaints were made of the bad quality of the opium; trials were made, and on those trials the opium was found faulty. An office of inspection at Calcutta, to ascertain its goodness, was established, and directions given to the provincial councils at the places of growth, to certify the quantity and quality of the commodity transmitted to the presidency.

In 1776, notwithstanding an engagement in the contract strictly prohibiting all compulsory culture of the poppy, information was given to a member of the council general,

that fields, green with rice, had been forcibly ploughed up to make way for that plant; and that this was done in the presence of several English gentlemen, who beheld the spectacle with a just and natural indignation. The board, struck with this representation, ordered the council of Patna to make an inquiry into the fact; but your committee can find no return whatsoever to this order. The complaints were not solely on the part of the cultivators against the contractor. The contractor for opium made loud complaints against the inferior collectors of the landed revenue, stating their undue and vexatious exactions from the cultivators of opium; their throwing these unfortunate people into prison upon frivolous pretences, by which the tenants were ruined, and the contractor's advances lost. He stated, that, if the contractor should interfere in favor of the cultivator, then a deficiency would be caused to appear in the landed revenues, and that deficiency would be charged on his interposition; he desired, therefore, that the cultivators of opium should be taken out of the general system of the landed revenue, and put under "his *protection*." Here the effect naturally to be expected from the clashing of inconsistent revenues appeared in its full light, as well as the state of the unfortunate peasants of Bengal, between such rival protectors, where the ploughman, flying from the tax-gatherer, is obliged to take refuge under the wings of the monopolist. No dispute arises amongst the English subjects, which does not divulge the misery of the natives; when the former are in harmony, all is well with the latter.

This monopoly, continuing and gathering strength through a succession of contractors, and being probably a most lucrative dealing, grew to be every day a greater object of competition. The council of Patna endeavored to recover the contract, or at least the agency, by the most inviting terms; and in this eager state of mutual complaint and competition between private men and public bodies things continued, until the arrival in Bengal of Mr. Stephen Sulivan, son of

Mr. Sulivan, chairman of the East-India Company, which soon put an end to all strife and emulation.

To form a clear judgment on the decisive step taken at this period, it is proper to keep in view the opinion of the court of directors concerning monopolies, against which they had uniformly declared in the most precise terms. They never submitted to them but as to a present necessity; it was, therefore, not necessary for them to express any particular approbation of a clause in Mr. Mackenzie's contract, which was made in favor of their own liberty. Every motive led them to preserve it. On the security of that clause, they could alone have suffered to pass over in silence (for they never approved) the grant of the contract which contained it, for three years. It must also be remembered, that they had, from the beginning, positively directed that the contract should be put up to public auction; and this not having been done in Mr. Mackenzie's case, they severely reprimanded the governor-general and council, in their letter of the 23d December, 1778.

The court of directors were perfectly right in showing themselves tenacious of this regulation; not so much to secure the best practicable revenue from their monopoly whilst it existed, but for a much more essential reason; that is, from the corrective, which this method administered to that monopoly itself: it prevented the British contractor from becoming doubly terrible to the natives, when they should see that his contract was in effect *a grant*, and, therefore, indicated particular favor and private influence with the ruling members of an absolute government.

On the expiration of Mr. Mackenzie's term, and but a few months after Mr. Sulivan's arrival, the governor-general (as if the contract was a matter of patronage, and not of dealing) pitched upon Mr. Sulivan, as the most proper person for the management of this critical concern. Mr. Sulivan, though a perfect stranger to Bengal, and to that sort and all sorts of local commerce, made no difficulty of accepting it. The

governor-general was so fearful that his true motives in this business should be mistaken, or that the smallest suspicion should arise of his attending to the company's orders, that, far from putting up the contract (which, on account of its known profits, had become the object of such pursuit) to *public auction*, he did not wait for receiving so much as a *private proposal* from Mr. Sulivan. The secretary perceived, that, in the rough draught of the contract, the old recital of a proposal to the board was inserted as a matter of course, but was contrary to the fact; he therefore remarked it to Mr. Hastings. Mr. Hastings, with great indifference, ordered that recital to be *omitted;* and the omission, with the remark that led to it, has, with the same easy indifference, been sent over to his masters.

The governor-general and council declare themselves apprehensive, that Mr. Sulivan might be a loser by his bargain, upon account of troubles, which they supposed existed in the country, which was the object of it. This was the more indulgent, because the contractor was tolerably secured against all losses. He received a certain price for his commodity; but he was not obliged to pay any certain price to the cultivator, who, having no other market than his, must sell it to him at his own terms. He was to receive half the yearly payment by *advance;* and he was not obliged to advance to the cultivator more than what he thought expedient; but if this should not be enough, he might (if he pleased) draw the *whole* payment before the total delivery: such were the terms of the engagement with him. He is a contractor of a new species, who employs no capital whatsoever of his own, and has the market of compulsion at his entire command. But all these securities were not sufficient for the anxious attention of the supreme council to Mr. Sulivan's welfare; Mr. Hastings had before given him the contract without any proposal on his part; and to make their gift perfect, in a second instance they proceed a step beyond their former ill precedent, and they contract with Mr. Sulivan for *four* years.

Nothing appears to have been considered but the benefit of the contractor; and for this purpose the solicitude shown in all the provisions could not be exceeded. One of the first things, that struck Mr. Hastings as a blemish on his gift, was the largeness of the penalty, which he had on former occasions settled as the sanction of the contract; this he now discovered to be so great as to be likely to frustrate its end by the impossibility of recovering so large a sum. How a large penalty can prevent the recovery of any, even the smallest, part of it, is not quite apparent. In so vast a concern, as that of opium, a fraud, which at first view may not appear of much importance, and which may be very difficult in the discovery, may easily counterbalance the reduced penalty in this contract, which was settled in favor of Mr. Sulivan, at about £20,000.

Monopolies were (as the house has observed) only tolerated evils, and, at best, upon trial; a clause, therefore, was inserted in the contracts to Mackenzie, annulling the obligation, if the court of directors should resolve to abolish the monopoly; but, at the request of Mr. Sulivan, the contract was, without difficulty, purged of this obnoxious clause. The term was made absolute; the monopoly rendered irrevocable, and the discretion of the directors wholly excluded. Mr. Hastings declared the reserved condition to be no longer necessary, "because the directors had approved the monopoly."

The chiefs and councils at the principal factories had been obliged to certify the quantity and quality of the opium before its transport to Calcutta; and their control over the contractor had been assigned as the reason for not leaving to those factories the management of this monopoly. Now things were changed. Orders were sent to discontinue this measure of invidious precaution; and the opium was sent to Calcutta, without any thing done to ascertain its quality, or even its quantity.

An office of inspection had been also appointed to examine

the quality of the opium, on its delivery at the capital settlement. In order to ease Mr. Sulivan from this troublesome formality, Mr. Hastings abolished the office; so that Mr. Sulivan was then totally freed from all examination or control whatsoever, either first or last.

These extraordinary changes in favor of Mr. Sulivan were attended with losses to others, and seem to have excited much discontent. This discontent it was necessary in some manner to appease. The vendue master, who was deprived of his accustomed dues on the public sales of the opium by the private dealing, made a formal complaint to the board against this as well as other proceedings relative to the same business. He attributed the private sale to "*reasons of state;*" and this strong reflection, both on the board of trade and the council board, was passed over without observation. He was quieted by appointing him to the duty of these very inspectors, whose office had been just abolished as useless. The house will judge of the efficacy of the revival of this office, by the motives to it, and by Mr. Hastings giving that to *one* as *a compensation*, which had been executed by several as *a duty*. However, the orders, for taking away the precautionary inspection at Patna, still remained in force.

Some benefits, which had been given to former contractors at the discretion of the board, were no longer held under that loose indulgence, but were secured to Mr. Sulivan by his contract. Other indulgences of a lesser nature, and to which no considerable objection could be made, were, on the application of a Mr. Benn, calling himself his attorney, granted.

Your committee examining Mr. Higginson, late a member of the board of trade, on that subject, were informed that this contract, very soon after the making, was generally understood at Calcutta to have been sold to this Mr. Benn, but he could not particularize the sum for which it had been assigned; and that Mr. Benn had afterwards sold it to a Mr. Young. By this transaction it appears clearly that the

contract was given to Mr. Sulivan for no other purpose than to supply him with a sum of money; and the sale and resale seem strongly to indicate that the reduction of the penalty, and the other favorable conditions, were not granted for his ease in a business which he never was to execute, but to heighten the value of the object which he was to sell. Mr. Sulivan was at the time in Mr. Hastings's family, accompanied him in his progresses, and held the office of judge-advocate.

The monopoly, given for these purposes, thus permanently secured, all power of reformation cut off, and almost every precaution against fraud and oppression removed, the supreme council found, or pretended to find, that the commodity, for which they had just made such a contract, was not a salable article; and, in consequence of this opinion or pretence, entered upon a daring speculation, hitherto unthought of, that of sending the commodity, on the company's account, to the market of Canton. The council alleged that, the Dutch being driven from Bengal, and the seas being infested with privateers, this commodity had none, or a very dull and depreciated demand.

Had this been true, Mr. Hastings's conduct could admit of no excuse. He ought not to burden a falling market by long and heavy engagements. He ought studiously to have kept in his power the means of proportioning the supply to the demand. But his arguments, and those of the council, on that occasion, do not deserve the smallest attention. Facts, to which there is no testimony but the assertion of those who produce them in apology for the ill consequences of their own irregular actions, cannot be admitted. Mr. Hastings and the council had nothing at all to do with that business; the court of directors had wholly taken the management of opium out of his and their hands, and by a solemn adjudication fixed it in the board of trade. But, after it had continued there some years, Mr. Hastings, a little before his grant of the monopoly to Mr. Sulivan, thought proper to

reverse the decree of his masters, and by his own authority to recall it to the council. By this step he became responsible for all the consequences.

The board of trade appear, indeed, to merit reprehension for disposing of the opium by private contract, as, by that means, the unerring standard of the public market cannot be applied to it; but they justified themselves by their success. And one of their members informed your committee that their last sale had been a good one; and, though he apprehended a fall in the next, it was not such as, in the opinion of your committee, could justify the council general in having recourse to untried and hazardous speculations of commerce. It appears that there must have been a market, and one sufficiently lively. They assign, as a reason of this assigned dulness of demand, that the Dutch had been expelled from Bengal, and could not carry the usual quantity to Batavia. But the Danes were not expelled from Bengal, and Portuguese ships traded there; neither of them were interdicted at Batavia, and the trade to the Eastern ports was free to them.

The Danes actually applied for and obtained an increase of the quantity to which their purchases had been limited; and, as they asked, so they received, this indulgence as a great favor. It does not appear that they were not very ready to supply the place of the Dutch. On the other hand, there is no doubt that the Dutch would most gladly receive an article convenient, if not necessary, to the circulation of their commerce, from the Danes, or under any name; nor was it fit that the company should use an extreme strictness in any inquiry concerning the necessary disposal of one of their own staple commodities.

The supply of the Canton treasury with funds for the provision of the next year's China investment was the ground of this plan. But the council general appear still to have the particular advantage of Mr. Sulivan in view; and, not satisfied with breaking so many of the company's orders for that purpose, to make the contract an object salable to the

greatest advantage, were obliged to transfer their personal partiality from Mr. Sulivan to the contract itself, and to hand it over to the assignees through all their successions. When the opium was delivered, the duties and emoluments of the contractor ended; but (it appears from Mr. Williamson's letter, 18th October, 1781, and it is not denied by the council general) this new scheme *furnished them with a pretext of making him broker for the China investment, with the profit of a new commission;* to what amount does not appear. But here their constant and vigilant observer, the vendue master, met them again: they seemed to live in no small terror of this gentleman. To satisfy him for the loss of his fee, to which he was entitled upon the public sale, they gave *him* also a commission of one per cent. on the investment. Thus was this object loaded with a double commission; and every act of partiality to one person produced a chargeable compensation to some other for the injustice that such partiality produced. Nor was this the whole. The discontent and envy, excited by this act, went infinitely further than to those immediately affected, and something or other was to be found out, to satisfy as many as possible.

As soon as it was discovered that the council entertained a design of opening a trade on those principles, it immediately engaged the attention of such as had an interest in speculations of freight.

A memorial seems to have been drawn early, as it is dated on the 29th of March, though it was not the first publicly presented to the board. This memorial was presented on the 17th of September, 1781, by Mr. Wheeler, conformably (as he says) to the desire of the governor-general; and it contained a long and elaborate dissertation on the trade to China; tending to prove the advantage of extending the sale of English manufactures and other goods to the north of that country, beyond the usual emporium of European nations. This ample, and not ill-reasoned theoretical performance (though not altogether new, either in

speculation or attempt) ended by a practical proposition, very short indeed of the ideas opened in the preliminary discourse, but better adapted to the immediate effect. It was, that the company should undertake the sale of its own opium in China, and commit the management of the business to the memorialist, who offered to furnish them with a strong armed ship for that purpose. The offer was accepted; and the agreement made with him for the transport of two thousand chests.

A proposal by another person was made the July following the date of this project; it appears to have been early in the formal delivery at the board; this was for the export of one thousand four hundred and eighty chests. This too was accepted, but with new conditions and restrictions: for in so vast and new an undertaking, great difficulties occurred. In the first place, all importation of that commodity is rigorously forbidden by the laws of China. The impropriety of a political trader, who is lord over a great empire, being concerned in a contraband trade upon his own account, did not seem in the least to affect them; but they were struck with the obvious danger of subjecting their goods to seizure by the vastness of the prohibited import. To secure the larger adventure, they require of the China factory that colonel Watson's ship should enter the port of Canton as an *armed ship*, (they would not say a ship of war, though that must be meant,) that her cargo should not be reported; they also ordered that other measures should be adopted to secure this prohibited article from seizure.

If the cargo should get in safe, another danger was in view—the overloading the Chinese market by a supply beyond the demand: for it is obvious that contraband trade must exist by small quantities of goods poured in by intervals, and not by great importations at one time. To guard against this inconvenience, they divide their second, though the smaller adventure, into two parts; one of which was to go to the markets of the barbarous natives, which inhabit

the coast of Malacca, where the chances of its being disposed of by robbery or sale were at least equal. If the opium should be disposed of there, the produce was to be invested in merchandise salable in China, or in dollars, if to be had. The other part (about one half) was to go in kind directly to the port of Canton.

The dealing at this time seemed closed; but the gentlemen who chartered the ships, always recollecting something, applied anew to the board to be furnished with cannon from the company's ordnance. Some were delivered to them; but the office of ordnance (so heavily expensive to the company) was not sufficient to spare a few iron guns for a merchant ship. Orders were given to cast a few cannon; and an application made to Madras, at a thousand miles' distance, for the rest. Madras answers, that they cannot exactly comply with the requisition; but still the board at Bengal *hopes* better things from them than they promise, and flatter themselves that, with their assistance, they shall properly arm a ship of thirty-two guns.

Whilst these dispositions were making, the first proposer, perceiving advantages from the circuitous voyage of the second, which had escaped his observation, to make amends for his first omission, improved both on his own proposal and on that of the person who had improved on him. He therefore applied for leave to take two hundred and fifty chests on his own account, which he said could "be *readily disposed of* at the several places where it was necessary for the ship to touch for wood and water, or intelligence, during her intended voyage through *the eastern islands*." As a corrective to this extraordinary request, he assured the board that, if he should meet with any unexpected delay at these markets, he would send their cargo to its destination, having secured a *swift-sailing* sloop for the *protection* of his ship; and this sloop he proposed in such a case to leave behind. Such an extraordinary eagerness to deal in opium lets in another view of the merits of the alleged dulness of the

market, on which this trade was undertaken for the company's account.

The council, who had with great condescension and official facility, consented to every demand hitherto made, were not reluctant with regard to this last. The quantity of opium required by the freighters, and the permission of a trading voyage, were granted without hesitation. The cargo having become far more valuable by this small infusion of private interest, the armament, which was deemed sufficient to defend the company's large share of the adventure, was now discovered to be unequal to the protection of the whole. For the convoy of these two ships the council hire and arm another. How they were armed, or whether in fact they were properly armed at all, does not appear. It is true that the supreme council proposed that these ships should also convey supplies to Madras; but this was a secondary consideration—their primary object was the adventure of opium. To this they were permanently attached, and were obliged to attend to its final destination.

The difficulty of disposing of the opium, according to this project, being thus got over, a material preliminary difficulty still stood in the way of the whole scheme. The contractor or his assignees were to be paid. The company's treasure was wholly exhausted, and even its credit was exceedingly strained. The latter, however, was the better resource, and to this they resolved to apply. They therefore, at different times, opened two loans of £100,000 each; the first was reserved for the company's servants, civil and military, to be distributed in shares according to their rank; the other was more general. The terms of both loans were, that the risk of the voyage was to be on account of the company. The payment was to be in bills (at a rate of exchange settled from the supercargoes at Canton) upon the same company. In whatever proportion the adventure should fail, either in the ships not safely arriving in China, or otherwise, in that proportion the subscribers were to content themselves

with the company's bonds for their money, bearing eight per cent. interest. A share in this subscription was thought exceeding desirable; for Mr. Hastings writes from Benares, where he was employed in the manner already reported, and hereafter to be observed upon, requesting that the subscription should be left open to his officers, who were employed in the military operations against Cheyt Sing; and, accordingly, three majors, seven captains, twenty-three lieutenants, the surgeon belonging to the detachment, and two civil servants of high rank, who attended him, were admitted to subscribe.

Bills upon Europe without interest are always preferred to the company's bonds, even at the high interest allowed in India. They are indeed so greedily sought there, and (because they tend to bring an immediate and visible distress in Leadenhall-street) so much dreaded here, that by an act of parliament the company's servants are restricted from drawing bills beyond a certain amount upon the company in England.

In Bengal they have been restrained to about £180,000 annually. The legislature, influenced more strongly with the same apprehensions, has restrained the directors, as the directors have restrained their servants; and have gone so far as to call in the power of the lords of the treasury to authorize the acceptance of any bills beyond an amount prescribed in the act.

The false principles of this unmercantile transaction (to speak of it in the mildest terms) were too gross not to be visible to those who contrived it. That the company should be made to borrow such a sum as £200,000 * at eight per cent. (or terms deemed by the company to be worse) in order first to buy a commodity, represented by themselves as depreciated in its ordinary market, in order afterwards to carry one half of it through a circuitous trading voyage; depend-

* The whole sum has not been actually raised; but the deficiency is not very considerable.

ing for its ultimate success on the prudent and fortunate management of two or three sales, and purchases and resales of goods, and the chance of two or three markets, with all the risks of sea and enemy, was plainly no undertaking for such a body. The activity, private interest, and the sharp eye of personal superintendency, may now and then succeed in such projects; but the remote inspection and unwieldy movements of great public bodies can find nothing but loss in them. Their gains, comparatively small, ought to be upon sure grounds; but here (as the council states the matter) the private trader actually declines to deal; which is a proof more than necessary to demonstrate the extreme imprudence of such an undertaking on the company's account. Still stronger and equally obvious objections lay to that member of the project, which regards the introduction of a contraband commodity into China, sent at such a risk of seizure, not only of the immediate object to be smuggled in, but of all the company's property in Canton, and possibly at a hazard to the existence of the British factory at that port.

It is stated, indeed, that a monopolizing company in Canton, called the Cohong, had reduced commerce there to a deplorable state, and had rendered the gains of private merchants, either in opium or any thing else, so small and so precarious, that they were no longer able, by purchasing that article, to furnish the company with money for a China investment. For this purpose, the person whose proposal is accepted, declares his project to be to set up a monopoly on the part of the company against the monopoly of the Chinese merchants; but as the Chinese monopoly is at home, and supported (as the minute referred to asserts) by the country magistrates, it is plain it is the Chinese company, not the English, which must prescribe the terms; particularly in a commodity, which, if withheld from them at their market price, thay can, whenever they please, be certain of purchasing as a condemned contraband.

There are two further circumstances in this transaction, which strongly mark its character; the first is, that this adventure to China was not recommended to them by the factory of Canton; it was dangerous to attempt it, without their previous advice, and an assurance grounded on the state of the market, and the dispositions of the government, that the measure, in a commercial light, would be profitable, or at least safe. Neither was that factory applied to on the state of the bills, which, upon their own account, they might be obliged to draw upon Europe, at a time when the council of Bengal direct them to draw bills to so enormous an amount.

The second remarkable circumstance is, that the board of trade in Calcutta (the proper administrator of all that relates to the company's investment) does not seem to have given its approbation to the project, or to have been at all consulted upon it. The sale of opium had been adjudged to the board of trade for the express purpose of selling it in Bengal, not in China; and of employing the produce of such sale in the manufactures of the country, in which the original commodity was produced. On the whole it appears a mere trading speculation of the council, invading the department of others, without lights of its own, without authority, or information from any other quarter. In a commercial view, it straitened the company's investment, to which it was destined; as a measure of finance, it is a contrivance, by which a monopoly, formed for the increase of revenue, instead of becoming one of its resources, involves the treasury, in the first instance, in a debt of £200,000.

If Mr. Hastings, on the expiration of Mr. Mackenzie's contract, (the advantage of which to the company had been long doubtful,) had put himself in a situation to do his duty, some immediate loss to the revenue would have been the worst consequence of the alleged depreciation; probably it would not have been considerable. Mr. Mackenzie's contract, which at first was for three years, had been only re-

newed for a year. Had the same course been pursued with Mr. Sulivan, they would have had it in their power to adopt some plan, which might have secured them from any loss at all. But they pursued another plan; they carefully put all remedy still longer out of their reach, by giving their contract for four years. To cover all these irregularities, they interest the settlement in their favor, by holding out to them the most tempting of all baits, in a chance of bills upon Europe.

In this manner the servants abroad have conducted themselves with regard to Mr. Sulivan's contract for opium, and the disposal of the commodity. In England, the court of directors took it into consideration. First as to the contract, in a letter dated 12th July, 1782, they say, that "having condemned the contract entered into with Mr. Mackenzie for the provision of opium, they cannot but be *surprised* at your having concluded a new contract for *four* years relative to that article with Mr. Stephen Sulivan, without leaving the decision of it to the court of directors."

The sentiments of the directors are proper, and worthy of persons in public trust. Their *surprise* indeed at the disobedience to their orders is not perfectly natural in those who, for many years, have scarcely been obeyed in a single instance. They probably asserted their authority, at this time, with as much vigor as their condition admitted.

They proceed: "We do not mean (say they) to convey any censure on Mr. Sulivan respecting the transaction; but we cannot withhold our displeasure from the governor-general and council at such an instance of *contempt* of our authority." They then proceed justly to censure the removal of the inspection, and some other particulars of this gross proceeding. As to the criminality of the parties, it is undoubtedly true, that a breach of duty in servants is highly aggravated by the rank, station, and trust of the offending party. But no party, in such conspiracy to break orders, appear to us wholly free from fault.

The directors did their duty in reprobating this contract; but it is the opinion of your committee, that further steps ought to be taken to inquire into the legal validity of a transaction, which manifestly attempts to prevent the court of directors from applying any remedy to a grievance, which has been for years the constant subject of complaints.

Both Mr. Sulivan and Mr. Hastings are the company's servants, bound by their covenants and their oaths to promote the interest of their masters, and both equally bound to be obedient to their orders. If the governor-general had contracted with a stranger, not apprized of the company's orders, and not bound by any previous engagement, the contract might have been good; but whether a contract made between two servants, contrary to the orders of their common master, and to the prejudice of his known interest, be a breach of trust on both sides; and whether the contract can in equity have force to bind the company, whenever they shall be inclined to free themselves and the country they govern from this mischievous monopoly, your committee think a subject worthy of further inquiry.

With regard to the disposal of the opium, the directors very properly condemn the direct contraband, but they approve the trading voyage. The directors have observed nothing concerning the loans. They probably reserved that matter for future consideration.

In no affair has the connection between servants abroad, and persons in power among the proprietors of the India Company, been more discernible than in this. But if such confederacies, cemented by such means, are suffered to pass without due animadversion, the authority of parliament must become as inefficacious as all other authorities have proved, to restrain the growth of disorders, either in India or in Europe.

SALT.

The reports made by the two committees of the house, which sat in the years 1772 and 1773, of the state and conduct of the inland trade of Bengal up to that period, have assisted the inquiries of your committee, with respect to the third and last article of monopoly, viz. that of salt; and made it unnecessary for them to enter into so minute a detail on that subject, as they have done on some others.

Your committee find, that the late Lord Clive constantly asserted, that the salt trade in Bengal had been a monopoly time immemorial; that it ever was and ever must be a monopoly: and that Coja Wazid, and other merchants long before him, had given to the nabob and his ministers £200,000 per annum for the exclusive privilege. The directors, in their letter of the 24th December 1776, (par. 76,) say, "that it has ever been in a great measure an exclusive trade."

The secret committee report, that under the government of the nabobs, the duty on salt made in Bengal was two and an half per cent. paid by Mussulmen, and five per cent. paid by Gentoos. On the accession of Mir Cassim, in 1760, the claim of the company's servants to trade in salt, duty free, was first avowed. Mr. Vansittart made an agreement with him, by which the duties should be fixed at nine per cent. The council annulled the agreement, and reduced the duty to two and an half per cent. On this, Mir Cassim ordered, that no customs or duties whatsoever should be collected for the future. But a majority of the council (22d March, 1763) resolved, that the making the exemption general was a breach of the company's privileges; and that the nabob should be positively required to recall it, and collect duties as before from the country merchants, and all other persons, who had not the protection of the company's dustuck. The directors, as the evident reason of the thing, and as their duty re-

quired, disapproved highly of these transactions, and ordered (8th February, 1764) *a final and effectual stop to be put to the inland trade in salt*, and several other articles of commerce. But other politics and other interests prevailed; so that, in the May following, a general court resolved, that it should be recommended to the court of directors to reconsider the preceding orders. In consequence of which, the directors ordered the governor and council to form a plan, in concert with the nabob, for regulating the inland trade.

On these last orders Lord Clive's plan was formed, in 1765, for engrossing the sole purchase of salt, and dividing the profits among the company's senior servants. The directors, who had hitherto reluctantly given way to a monopoly under any idea, or for any purposes, disapproved of this plan, and on the 17th May, 1766, ordered it to be abolished: but they substituted no other in its room. In this manner things continued until November, 1767, when the directors repeated their orders for excluding all persons whatsoever, excepting the natives only, from being concerned in the inland trade in salt; and they declared, that (vide par. 90) "*such trade is hereby abolished and put a final end to.*"—In the same letter (par. 92) they ordered that the salt trade should be laid open to the natives in general, subject to such a duty as might produce £120,000 a year. This policy was adopted by the legislature. In the act of 1773, it was expressly provided, that it should not be lawful for any of his majesty's subjects to engage, intermeddle, or be any way concerned, directly or indirectly, in the inland trade in salt, except on the India Company's account.

Under the positive orders of the company, the salt trade appears to have continued open from 1768 to 1772. The act indeed contained an exception in favor of the company, and left them a liberty of dealing in salt upon their own account. But still this policy remained unchanged, and their orders unrevoked. But in the year 1772, without any instruction from the court of directors indicating a change of

opinion or system, the whole produce was again monopolized, professedly for the use of the company, by Mr. Hastings. —Speaking of this plan, he says: (letter to the directors, 22d February, 1775) "No new hardship has been imposed upon the salt manufacturers by taking the management of that article into the hands of government; the only difference is, that the profit, which was before reaped by English gentlemen and by Banians, is now acquired by the company."—In May, 1766, the directors had condemned the monopoly *on any conditions whatsoever*. "At that time they thought it neither consistent with their honor nor their dignity to promote such an exclusive trade." "They considered it too as disgraceful *and below the dignity of their present situation* to allow of such a monopoly: and that, were they to allow it under any restrictions, they should consider themselves as assenting and subscribing to all the mischiefs, which Bengal had presented to them for four years past."

Notwithstanding this solemn declaration, in their letter of 24th December, 1776, they approve the plan of Mr. Hastings, and say "that the monopoly *on its present footing* can be no considerable grievance to the country," &c.

This, however, was a rigorous monopoly. The account given of it by General Clavering, Colonel Monson, and Mr. Francis, in their minute of 11th January, 1775, in which the situation of the Molungees, or persons employed in the salt manufacture, is particularly described, is stated at length in the Appendix. Mr. Hastings himself says, "the power of obliging Molungees to work has been customary from time immemorial."

Nothing but great and clear advantage to government could account for, and nothing at all perhaps could justify, the revival of a monopoly thus circumstanced. The advantage proposed by its revival was the transferring the profit, which was before reaped by English gentlemen and Banians, to the company. The profits of the former were not problematical. It was to be seen what the effect would be of a scheme

to transfer them to the latter, even under the management of the projector himself. In the revenue consultations of September, 1766, Mr. Hastings said, "many causes have since combined to reduce this article of revenue *almost to nothing*. The plan, which I am *now* inclined to recommend for the future management of the salt revenue, differs widely from that which I adopted under different circumstances."

It appears that the ill success of his former scheme did not deter him from recommending another. Accordingly, in July, 1777, Mr. Hastings proposed, and it was resolved, that the salt mahls should be let, *with* the lands, to the farmers and Zemindars, for a ready money rent, including duties; the salt to be left to their disposal.

After some trial of this method, Mr. Hastings thought fit to abandon it. In September, 1780, he changed his plan a third time, and proposed the institution of a *salt office;* the salt was to be again engrossed for the benefit of the company, and the management conducted by a number of salt agents.

From the preceding facts, it appears, that in this branch of the company's government little regard has been paid to the ease and welfare of the natives: and that the directors have no where shown greater inconsistency than in their orders on this subject.—Yet salt, considering it as a necessary of life, was by no means a safe and proper subject for so many experiments and innovations. For ten years together the directors reprobated the idea of suffering this necessary of life to be engrossed on *any condition whatsoever;* and strictly prohibited all Europeans from trading in it. Yet, as soon as they were made to expect from Mr. Hastings, that the profits of the monopoly should be converted to their own use, they immediately declared, that it "could be no considerable grievance to the country," and authorized its continuance; until he himself, finding it produced little or nothing, renounced it of his own accord. Your committee are apprehensive that this will at all times, whatever flattering

appearance it may wear for a time, be the fate of any attempt to monopolize the salt for the profit of government. In the first instance, it will raise the price on the consumer beyond its just level; but that evil will soon be corrected by means ruinous to the company as monopolists, viz. by the embezzlement of their own salt, and by the importation of foreign salt, neither of which the government of Bengal may have power for any long time to prevent. In the end, government will probably be undersold, and beaten down to a losing price. Or, if they should attempt to force all the advantages from this article, of which by every exertion it may be made capable, it may distress some other part of their possessions in India, and destroy, or at least impair, the natural intercourse between them. Ultimately it may hurt Bengal itself, and the produce of its landed revenue, by destroying the vent of that grain, which it would otherwise barter for salt.

Your committee think it hardly necessary to observe that the many changes of plan, which have taken place in the management of the salt trade, are far from honorable to the company's government; and that, even if the monopoly of this article were a profitable concern, it should not be permitted. Exclusive of the general effect of this and of all monopolies, the oppressions which the manufacturers of salt, called *Molungees*, still suffer under it, though perhaps alleviated in some particulars, deserve particular attention. There is evidence enough on the company's records to satisfy your committee that these people have been treated with great rigor; and not only defrauded of the due payment of their labor, but delivered over, like cattle, in succession to different masters, who, under pretence of buying up the balances due to their preceding employers, find means of keeping them in perpetual slavery. For evils of this nature there can be no perfect remedy, as long as the monopoly continues. They are in the nature of the thing, and cannot be cured or effectually counteracted even by a just and vigilant administration on the spot. Many objections occur to the farming of any

branch of the public revenue in Bengal, particularly against farming the salt lands. But the dilemma to which government, by this system, is constantly reduced, of authorizing great injustice, or suffering great loss, is alone sufficient to condemn it. Either government is expected to support the farmer or contractor in all his pretensions, by an exertion of power, which tends of necessity to the ruin of the parties subjected to the farmer's contract, and to the suppression of free trade; or, if such assistance be refused him, he complains that he is not supported—that private persons interfere with his contract—that the manufacturers desert their labor, and that proportionate deductions must be allowed him.

After the result of their examination into the general nature and effect of this monopoly, it remains only for your committee to inquire, whether there was any valid foundation for that declaration of Mr. Hastings, which we conclude must have principally recommended the monopoly of salt to the favor of the court of directors; viz. "that the profit, which was before reaped by English gentlemen and by Banians, was now acquired by the company." On the contrary, it was proved and acknowledged before the governor-general and council, when they inquired into this matter in March, 1775, that the chiefs and councils of those districts, in which there were salt mahls, reserved particular salt farms for their *own* use, and divided the profits, in certain stated proportions, among themselves and their assistants. But, unless a detail of these transactions, and of the persons concerned in them, should be called for by the house, it is our wish to avoid entering into it. On one example only your committee think it just and proper to insist, stating first to the house on what principles they have made this selection.

In pursuing their inquiries, your committee have endeavored chiefly to keep in view the conduct of persons in the highest stations, particularly of those, in whom the legislature, as well as the company, have placed a special confidence; judg-

ing that the conduct of such persons is not only most important in itself, but most likely to influence the subordinate ranks of the service. Your committee have also examined the proceedings of the court of directors on all those instances of the behavior of their servants that seemed to deserve, and did sometimes attract, their immediate attention. They constantly find that the negligence of the court of directors has kept pace with, and must naturally have quickened, the growth of the practices which they have condemned. Breach of duty abroad will always go hand in hand with neglect of it at home. In general, the court of directors, though sufficiently severe in censuring offences, and sometimes in punishing those, whom they have regarded as offenders of a lower rank, appear to have suffered the most conspicuous, and, therefore, the most dangerous, examples of disobedience and misconduct in the first department of their service, to pass with a feeble and ineffectual condemnation. In those cases which they have deemed too apparent and too strong to be disregarded even with safety to themselves, and against which their heaviest displeasure has been declared, it appears to your committee that their interference, such as it was, had a mischievous, rather than a useful tendency. A total neglect of duty, in this respect, however culpable, is not to be compared, either in its nature or in its consequences, with the destructive principles on which they have acted. It has been their practice, if not system, to inquire, to censure, and not to punish. As long as the misconduct of persons in power in Bengal was encouraged by nothing but the hopes of concealment, it may be presumed, that they felt some restraint upon their actions, and that they stood in some awe of the power placed over them. Whereas it is to be apprehended, that the late conduct of the court of directors tells them, in effect, that they have nothing to fear from the certainty of a discovery.

On the same principle, on which your committee have generally limited their researches to the persons placed by

parliament, or raised or put in nomination by the court of directors to the highest station in Bengal, it was also their original wish to limit those inquiries to the period at which parliament interposed its authority between the company and their servants, and gave a new constitution to the presidency of Fort William. If the company's servants had taken a new date from that period, and if from thenceforward their conduct had corresponded with the views of the legislature, it is probable that a review of the transactions of remoter periods would not have been deemed necessary, and that the remembrance of them would have been gradually effaced, and finally buried in oblivion. But the reports, which your committee have already made, have shown the house that, from the year 1772, when those proceedings commenced in parliament, on which the act of the following year was founded, abuses of every kind have prevailed and multiplied in Bengal to a degree unknown in former times, and are perfectly sufficient to account for the present distress of the company's affairs both at home and abroad. The affair, which your committee now lays before the house, occupies too large a space in the company's records, and is of too much importance in every point of view, to be passed over.

Your committee find that, in March, 1775, a petition was presented to the governor-general and council by a person called Coja Kaworke, an Armenian merchant resident at Dacca, (of which division Mr. Richard Barwell had lately been chief,) setting forth in substance, that, in November, 1772, the petitioner had farmed a certain salt district called *Savage-poor*, and had entered into a contract with the committee of circuit for providing and delivering to the India Company the salt produced in that district: that, in 1773, he farmed another, called *Selimabad*, on similar conditions: he alleges that, in February, 1774, when Mr. Barwell arrived at Dacca, he charged the petitioner with 1,25,500 rupees (equal to £13,000) as a contribution; and, in order to levy it, did the same year deduct 20,799 rupees from the amount of the

advance-money, which was ordered to be paid to the petitioner, on account of the India Company, for the provision of salt in the two farms; and, after doing so, compelled the petitioner to execute and give him four different bonds for 77,627 rupees, in the name of one *Porran Paul*, for the remainder of such contribution or unjust profit.

Such were the allegations of the petition relative to the unjust exaction. The harsh means of compelling the payment make another and very material part: for the petitioner asserts, that, in order to recover the amount of these bonds, guards were placed over him, and that Mr. Barwell, by ill usage and oppressions, recovered from him, at different times, 48,656 Arcot rupees, besides 283 rupees extorted by the guard; — that after this payment, two of the bonds, containing 36,313 rupees, were restored to him, and he was again committed to the charge of four *Peons* (or guards) to pay the amount of the remaining two bonds. The petition further charges, that the said gentleman and his people had also extorted from the petitioner other sums of money, which, taken together, amounted to 25,000 rupees.

But the heaviest grievance alleged by him is, that after the sums of money had been extorted on account of the farms, the faith usual in such transactions is allowed not to have been kept; but, after the petitioner had been obliged to buy or compound for the farms, that they were taken from him;—"that the said Richard Barwell, Esq., about his departure from Dacca, in October, 1774, for self-interest, wrested from the petitioner the aforesaid two mahls or districts, and farmed them to another person, notwithstanding he had extorted from the petitioner a considerable sum of money on account of those Pergunnahs."

To this petition your committee find two accounts annexed, in which the sums said to be paid to, or taken by, Mr. Barwell, and the respective dates of the several payments, are specified; and they find that the account of particulars agrees with and makes up the gross sum charged in the petition.

Mr. Barwell's immediate answer to the preceding charge is contained in two letters to the board, dated 23d and 24th of March, 1775. The answer is remarkable. He asserts, that "the whole of Kaworke's relation is a gross misrepresentation of facts; that the simple fact was, that in January, 1774, the salt mahls of Savage-poor and Selimabad became *his*, and were re-let by *him* to this man, in the names of Bussant Roy and Kissen Deb, on condition that he should account with him (*Mr. Barwell*) for profits to a certain sum; and that he (*Mr. Barwell*) engaged for Savage-poor, *in the persuasion of its being a very profitable farm;*" and he concludes with saying, "if I am mistaken in my reasoning, and *the wish to add to my fortune has warped my judgment*, in a transaction that may appear to the board in a light different to what I view it in, it is past; I cannot recall it; and I rather choose to admit an error than deny a fact." In his second letter he says, "To the honorable court of directors I will submit all my rights in the salt contracts I engaged in; and if, in their opinion, those rights vest in the company, I will account to them for the last shilling I have received from such contracts, my intentions being upright; and, as I never did wish to profit myself to the prejudice of my employers, by their judgment I will be implicitly directed."

The majority of the board desired that Kaworke's petition should be transmitted to England by the ship then under despatch; and it was accordingly sent, with Mr. Barwell's replies. Mr. Barwell moved that a committee should be appointed to take into consideration what he had to offer on the subject of Kaworke's petition; and a committee was accordingly appointed, consisting of all the members of the council, except the governor-general.

The committee opened their proceedings with reading a second petition from Kaworke, containing corrected accounts of cash, said to be forcibly taken, and of the extraordinary and unwarrantable profits taken or received from him by Richard Barwell, Esq., all which are inserted at large in

the Appendix. By these accounts Mr. Barwell is charged with a balance, or debt, of 22,421 rupees to Kaworke. The principal difference between him and Mr. Barwell arises from a different mode of stating the accounts acknowledged to exist between them. In the account current, signed by Mr. Barwell, he gives Kaworke credit for the receipt of 98,426 rupees, and charges him with a balance of 27,073 rupees.

The facts stated or admitted by Mr. Barwell, are as follow: that the salt farms of Selimabad and Savage-poor were *his*, and re-let by him to the two Armenian merchants, Michael and Kaworke, on condition of their paying him 1,25,000 rupees, exclusive of their engagements to the company; that the engagement was written in the name of *Bussant Roy* and *Kissen Deb Sing:* and Mr. Barwell says, that the reason of its being "in these people's names was, because *it was not thought consistent with the public regulations that the names of any European should appear.*"

It is remarkable that this policy was carried to a still greater length: means were used to remove such an obnoxious proceeding as far as possible from the public eye; and they were such as will strongly impress the house with the facility of abuse, and the extreme difficulty of detection in every thing which relates to the Indian administration. For these substituted persons were again represented by the further substitution of another name, viz. *Rada Churn Dey*, whom Mr. Barwell asserts to be a real person living at Dacca, and who *stood for the factory of Dacca;* whereas the Armenian affirms, that there was *no* such person as *Rada Churn*, and that it was a fictitious name.

Mr. Barwell, in his justification, proceeds to affirm, that Coja Kaworke never had the management of the salt mahls, "*but on condition of accounting to the former chief and to Mr. Barwell for a specified advantage arising from them*—that Mr. Barwell determined, *without he could reconcile the interests of the public with his own private emoluments*, that he would not engage in this concern; and that, when he

took an interest in it, *it was for specified benefit in money*, and every condition in the public engagement to be answered."

Your committee have stated the preceding facts in the same terms in which they are stated by Mr. Barwell. The house is to judge how far they amount to a defence against the charges contained in Kaworke's petition, or to an admission of the truth of the principal part of it. Mr. Barwell does not allow that compulsion was used to extort the money which he received from the petitioner, or that the latter was dispossessed of the farms in consequence of an offer made to Mr. Barwell by another person (*Ramsunder Paulet*) to pay him a lack of rupees more for them. The truth of *these* charges has not been ascertained. They were declared by Mr. Barwell to be false; but no attempt was made by him to invalidate or confute them, though it concerned his reputation, and it was his duty in the station wherein he was placed, that charges of such a nature should have been disproved, at least the accuser should have been pushed to the proof of them. Nothing of this kind appears to have been done, or even attempted.

The transaction itself, as it stands, is clearly collusive; the form in which it is conducted is clandestine and mysterious in an extraordinary degree; and the acknowledged object of it a great illicit profit, to be gained by an agent and trustee of the company at the expense of his employers, and of which he confesses he has received a considerable part.

The committee of the governor-general and council appear to have closed their proceedings with several resolutions, which, with the answers given by Mr Barwell as a defence, are inserted in the Appendix. The whole are referred thither together, on account of the ample extent of the answer. These papers will be found to throw considerable light, not only on the points in question, but on the general administration of the company's revenues in Bengal. On some pas-

sages in Mr. Barwell's defence or account of his conduct, your committee offer the following remarks to the judgment of the house :—

In his letter of the 23d of March, 1775, he says that he engaged for Savage-poor, *in the persuasion of its being a very profitable farm.* In this place your committee think it proper to state the 17th article of the regulations of the committee of circuit, formed in May, 1772, by the president and council, of which Mr. Barwell was a member, together with their own observations thereupon.

17th. "That no Peshcar, Banyan, or other servant, of whatever denomination, of the collector, or relation or dependent of any such servant, be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer; that the collector be strictly enjoined to prevent such practices; and that, if it shall be discovered that any one, *under a false name, or any kind of collusion*, hath found means to evade this order, he shall be subject to an heavy fine, proportionate to the amount of the farm, and the farm shall be re-let, or made Khas: and if it shall appear that the collector shall have countenanced, approved, or connived at, a breach of this regulation, he shall stand *ipso facto* dismissed from his collectorship. Neither shall any European, directly or indirectly, be permitted to rent lands in any part of the country."

Remark by the Board.

17th. "If the collector, or any persons who partake of his authority, are permitted to be the farmers of the country, no other persons will dare to be their competitors, of course they will obtain the farms on their own terms. *It is not fit that the servants of the company should be dealers with their masters.* The collectors are checks on the farmers. If they themselves turn farmers, what checks can be found for *them?*

What security will the company have for their property, or where are the Ryots to look for relief agaist oppressions?"

The reasons assigned for the preceding regulation seem to your committee to be perfectly just; but they can by no means be reconciled to those which induced Mr. Barwell to engage in the salt farms of Selimabad and Savage-poor. In the first place, his doing so is at length a direct and avowed, though at first a covert, violation of the public regulation, to which he was himself a party, as a member of the government, as well as an act of disobedience to the company's positive orders on this subject. In their general letter of the 17th of May, 1766, the court of directors say, "We positively order, that no covenanted servant, or Englishman, residing under our protection, shall be suffered to hold any land for his own account, directly or indirectly, in his own name or that of others, or to be concerned in any farms or revenues whatsoever."

Secondly. If, instead of letting the company's lands or farms to indifferent persons, their agent or trustee be at liberty to hold them himself, he will always (on principles stated and adhered to in the defence) have a sufficient reason for farming them on his own account, since he can at all times make them as profitable as he pleases; or, if he leases them to a third person, yet reserves an intermediate profit for himself, that profit may be as great as he thinks fit, and must be necessarily made at the company's expense. If, at the same time, he be collector of the revenues, it will be his interest to recommend remissions in favor of the nominal farmer, and he will have it in his power to sink the amount of his collections.

These principles, and the correspondent practices, leave the India Company without any security that all the leases of the lands of Bengal may not have been disposed of under that administration, which made the five years' settlement, in 1772, in the same manner, and for the same purpose.

To enable the house to judge how far this apprehension

may be founded, it will be proper to state, that Mr. Nicholas Grueber, who preceded Mr. Barwell in the chiefship of Dacca, in a letter dated 29th of April, 1775, declares that he paid to the committee of circuit 12,000 rupees as their profit on a single salt farm; which sum, he says, "I paid the committee at their request, before their departure from Dacca, and reimbursed myself out of *the advances* directed to be issued for the provision of the salt. Thus one illicit and mischievous transaction always leads to another; and the irregular farming of revenue brings on the misapplication of the commercial advances."

Mr. Barwell professes himself to be sensible, "*that a wish to add to his fortune may possibly have warped his judgment;* and that *he rather chooses to admit an error than deny a fact.*" But your committee are of opinion that the extraordinary caution and the intricate contrivances, with which his share in this transaction is wrapped up, form a sufficient proof that he was not altogether misled in his judgment; and though there might be some merit in acknowledging an error before it was discovered, there could be very little in a confession produced by previous detection.

The reasons, assigned by Mr. Barwell in defence of the clandestine part of this transaction, seem to your committee to be insufficient in themselves, and not very fit to be urged by a man in his station. In one place he says that "*it was not thought consistent with the public regulations that the names of any Europeans should appear.*" In another, he says, "I am aware of the objection that has been made to the English taking farms under the names of natives, as prohibited by the company's orders; and I must *deviate* a little upon this. It has been generally understood that the scope and tendency of the honorable company's prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Dewanny courts of Adawlet; because, upon any failure of engagements, upon any complaint of unjust op-

pression, or other cause of discontent whatever, it was supposed an European might screen himself from the process of the country judicature. But it was never supposed *that an European of credit and responsibility* was absolutely incapable from holding certain tenures under the sanction and authority of the country laws, or from becoming security for such native farmers, contractors, &c. &c. as he might protect and employ."

Your committee have opposed this construction of Mr. Barwell's to the positive order, which the conduct it is meant to color has violated. "Europeans of credit and responsibility," that is, Europeans armed with wealth and power, and exercising offices of authority and trust, instead of being excepted from the spirit of the restriction, must be supposed the persons who are chiefly meant to be comprehended in it; for, abstract the idea of an European from the ideas of power and influence, and the restriction is no longer rational.

Your committee are therefore of opinion, that the nature of the evil, which was meant to be prevented by the above orders and regulations, was not altered, or the evil itself diminished, by the collusive methods made use of to evade them; and that, if the regulations were proper, (as they unquestionably were,) they ought to have been punctually complied with; particularly by the members of the government, *who formed the plan*, and who, as trustees of the company, were especially answerable for their being duly carried into execution. Your committee have no reason to believe that it could ever have been generally understood, "that the company's prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Dewanny courts;"—no such restriction is so much as hinted at. And, if it had been so understood, Mr. Barwell was one of the persons who, from their rank, station, and influence, must have been the principal objects of the prohibition. Since

the establishment of the company's influence in Bengal, no Europeans, of any rank whatever, have been subject to the process of the country judicature; and whether they act avowedly for themselves, and take farms in their own name, or substitute native Indians to act for them, the difference is not material. The same influence, that screened an European from the jurisdiction of the country courts, would have equally protected his native agent and representative. For many years past the company's servants have presided in those courts, and, in comparison with *their* authority, the native authority is nothing.

The earliest instructions, that appear to have been given by the court of directors, in consequence of these transactions in Bengal, are dated the 5th of February, 1777. In their letter of that date they applaud the proceedings of the board, meaning the majority, (then consisting of General Clavering, Colonel Monson, and Mr. Francis) *as highly meritorious*, and promise them their *firmest support*. "Some of the cases," they say, "*are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished.*" With this observation their proceedings appear to have ended, and paused for more than a year.

On the 4th of March, 1778, the directors appear to have resumed the subject. In their letter of that date, they instructed the governor and council forthwith to commence a prosecution, in the supreme court of judicature, against the persons who composed the committee of circuit, or their representatives, and also against Mr. Barwell, in order to recover, for the use of the company, the amount of all advantages acquired by them from their several engagements in salt contracts and farms. Adverting, however, to the declaration made by Mr. Barwell, that he would account to the court of directors for the last shilling he had received, and abide implicitly by their judgment, they thought it probable that, on being acquainted with their peremptory orders for com-

mencing a prosecution, he might be desirous of paying his share of profits into the company's treasury; and they pointed out a precaution to be used in accepting such a tender on his part.

On this part of the transaction your committee observe, that the court of directors appear blamable in having delayed till February, 1777, to take any measure in consequence of advices so interesting and important, and on a matter concerning which they had made so strong a declaration; considering that, early in April, 1776, they say, "they had investigated the charges, and had then come to certain resolutions concerning them." But their delaying to send out positive orders for commencing a prosecution against the parties concerned, till March, 1778, cannot be accounted for. In the former letter they promise, if they should find it necessary, to return the original covenants of such of their servants as had been any ways concerned in the undue receipt of money, in order to enable the governor-general and council to recover the same by suits in the supreme court. But your committee do not find that the covenants were ever transmitted to Bengal. To whatever cause these instances of neglect and delay may be attributed, they could not fail to create an opinion in Bengal, that the court of directors were not heartily intent upon the execution of their own orders, and to discourage those members of government, who were disposed to undertake so invidious a duty.

In consequence of these delays, even their first orders did not arrive in Bengal until sometime after the death of Colonel Monson, when the whole power of the board had devolved to Mr. Hastings and Mr. Barwell. When they sent what they call *their positive orders*, in March, 1778, they had long been apprized of the death of Colonel Monson, and must have been perfectly certain of the effect which that event would have on the subsequent measures and proceedings of the governor-general and council. Their opinion of

the principles of those gentlemen appears in their letter of the 28th of November, 1777, wherein they say, "they cannot but express their concern, that the power of granting away their property in perpetuity should have devolved upon such persons."

But the conduct of the court of directors appears to be open to objections of a nature still more serious and important. A recovery of the amount of Mr. Barwell's profits seems to be the only purpose, which they even professed to have in view. But your committee are of opinion, that to preserve the reputation and dignity of the government of Bengal was a much more important object, and ought to have been their first consideration. The prosecution was not the pursuit of mean and subordinate persons, who might, with safety to the public interest, remain in their seats during such an inquiry into their conduct. It appears very doubtful whether, if there were grounds for such a prosecution, a proceeding in Great Britain were not more politic than one in Bengal. Such a prosecution ought not to have been ordered by the directors, but upon grounds that would have fully authorized the recall of the gentleman in question. This prosecution, supposing it to have been seriously undertaken, and to have succeeded, must have tended to weaken the government, and to degrade it in the eyes of all India. On the other hand, to entrust a man, armed as he was with all the powers of his station, and indeed of the government, with the conduct of a prosecution against himself, was altogether inconsistent and absurd. The same letter, in which they give these orders, exhibits an example, which sets the inconsistency of their conduct in a stronger light, because the case is somewhat of a similar nature, but infinitely less pressing in its circumstances. Observing that the board of trade had commenced a prosecution against Mr. William Barton, a member of that board, for various acts of peculation committed by him, they say, "We must be of opinion that, as *prosecutions are actually carrying on against him*

by our board of trade, he is, during such prosecution at least, an improper person to hold a seat *at that board;* and therefore we direct that he be suspended from the company's service until our further pleasure concerning him be known." The principle laid down in this instruction, even before their own opinion concerning Mr. Barton's case was declared, and merely on the prosecution of others, serves to render their conduct not very accountable in the case of Mr. Barwell. Mr. Barton was in a subordinate situation, and his remaining or not remaining in it was of little or no moment to the prosecution. Mr. Barton was but one of seven; whereas Mr. Barwell was one of four, and, with the governor-general, was in effect the supreme council.

In the present state of power and patronage in India, and during the relations which are permitted to subsist between the judges, the prosecuting officers, and the council general, your committee is very doubtful whether the mode of prosecuting the highest members in the Bengal government, before a court at Calcutta, could have been, almost in any case, advisable.

It is possible that particular persons, in high judicial and political situations, may, by force of an unusual strain of virtue, be placed far above the influence of those circumstances, which in ordinary cases are known to make an impression on the human mind. But your committee, sensible that laws and public proceedings ought to be made for general situations, and not for personal dispositions, are not inclined to have any confidence in the effect of criminal proceedings, where no means are provided for preventing a mutual connection, by dependencies, agencies, and employments between the parties who are to prosecute and to judge, and those who are to be prosecuted and to be tried.

Your committee, in a former report, have stated the consequences which they apprehended from the dependency of the judges on the governor-general and council of Bengal; and the house has entered into their ideas upon this subject.

Since that time, it appears that Sir Elijah Impey has accepted of the guardianship of Mr. Barwell's children, and was the trustee for his affairs. There is no law to prevent this sort of connection; and it is possible that it might not at all affect the mind of that judge, or (upon his account) indirectly influence the conduct of his brethren; but it must forcibly affect the minds of those who have matter of complaint against government, and whose cause the court of directors appear to espouse, in a country where the authority of the court of directors has seldom been exerted, but to be despised; where the operation of laws is but very imperfectly understood; but where men are acute, sagacious, and even suspicious of the effect of all personal connections. Their suspicions, though perhaps not rightly applied to every individual, will induce them to take indications from the situations and connections of the prosecuting parties, as well as of the judges. It cannot fail to be observed, that Mr. Naylor, the company's attorney, lived in Mr. Barwell's house; the late Mr. Bogle, the company's commissioner of law-suits, owed his place to the patronage of Mr. Hastings and Mr. Barwell, by whom the office was created for him; and Sir John Day, the company's advocate, who arrived in Bengal in February, 1779, had not been four months in Calcutta, when Mr. Hastings, Mr. Barwell, and Sir Eyre Coote doubled his salary, contrary to the opinion of Mr. Francis and Mr. Wheeler.

If the directors are known to devolve the whole cognizance of the offences charged on their servants, so highly situated, upon the supreme court, an excuse will be furnished, if already it has not been furnished, to the directors, for declining the use of their own proper political power and authority, in examining into, and animadverting on, the conduct of their servants. Their true character, as strict masters and vigilant governors, will merge in that of prosecutors. Their force and energy will evaporate in tedious and intricate processes; in law-suits which can never end, and which are to be carried on by the very dependents of those who are under prosecu-

tion. On their part, these servants will decline giving satisfaction to their masters, because they are already before another tribunal; and thus, by shifting responsibility from hand to hand, a confederacy to defeat the whole spirit of the law, and to remove all real restraints on their actions, may be, in time, formed between the servants, directors, prosecutors, and court. Of this great danger your committee will take further notice in another place.

No notice whatever appears to have been taken of the company's orders in Bengal, till the 11th of January, 1779, when Mr. Barwell moved, *that the claim made upon him by the court of directors should be submitted to the company's lawyers, and that they should be perfectly instructed to prosecute upon it.* In his minute of that date, he says, "*that the state of his health had long since rendered it necessary for him to return to Europe.*"

Your committee observe, that he continued in Bengal another year. He says, "that he had hitherto waited for the arrival of Sir John Day, the company's advocate; but as the season was now far advanced, he wished to bring the trial speedily to issue."

In this minute he retracts his original engagement to submit himself to the judgment of the court of directors, "and to account to them for the last shilling he had received." He says, "that no merit had been given him for the offer; that a most unjustifiable advantage had been attempted to be made of it, by first declining it, and *descending to abuse*, and then giving orders upon it, as if it had been rejected, when called upon by him in the person of his agent, to bring home the charge of delinquency."

Mr. Barwell's reflections on the proceedings of the court of directors are not altogether clearly expressed; nor does it appear distinctly to what facts he alludes. He asserts that a most unjustifiable advantage had been attempted to be made of his offer. The fact is, the court of directors have no where declined accepting it; on the contrary, they caution the

governor-general and council about the manner of receiving the tender of the money, which they expect him to make. They say nothing of any call made on them by Mr. Barwell's agent in England; nor does it appear to your committee that they "have descended to abuse." They have a right, and it is their duty, to express in distinct and appropriate terms their sense of all blamable conduct in their servants.

So far as may be collected from the evidence of the company's records, Mr. Barwell's assertions do not appear well supported; but even if they were more plausible, your committee apprehend, that he could not be discharged from his solemn, recorded promise to abide by the judgment of the court of directors. Their judgment was declared by their resolution to prosecute, which it depended upon himself to satisfy by making good his engagement. To excuse his not complying with the company's claims, he says, "*that his compliance would be urged as a confession of delinquency, and to proceed from conviction of his having usurped on the rights of the company.*" Considerations of this nature might properly have induced Mr. Barwell to stand upon his right in the first instance, "*and to appeal* (to use his own words) *to the laws of his country, in order to vindicate his fame.*" But his performance could not have more weight to infer delinquency than his promise. Your committee think his observation comes too late.

If he had stood a trial when he first acknowledged the facts, and submitted himself to the judgment of the court of directors, the suit would have been carried on under the direction of General Clavering, Colonel Monson, and Mr. Francis; whereas, in the year 1779, his influence at the board gave him the conduct of it himself. In an interval of four years, it may be presumed that great alterations might have happened in the state of the evidence against him.

In the subsequent proceedings of the governor-general and council, the house will find that Mr. Barwell complained that his instances for carrying on the prosecution were inef-

fectual, owing to the legal difficulties and delays *urged by the company's law officers;* which your committee do not find have yet been removed. As far as the latest advices reach, no progress appears to have been made in the business. In July, 1782, the court of directors found it necessary to order an account of all suits against Europeans, depending in the supreme court of judicature, to be transmitted to them, and that no time should be lost in bringing them to a determination.

SALTPETRE.

The next article of direct monopoly, subservient to the company's export, is saltpetre. This, as well as opium, is far the greater part the produce of the province of Bahar. The difference between the management and destination of the two articles has been this: until the year 1782, the opium has been sold in the country, and the produce of the sale laid out in country merchandise for the company's export. A great part of the saltpetre is sent out in kind, and never has contributed to the interior circulation and commerce of Bengal. It is managed by agency on the company's account. The price paid to the manufacturer is invariable. Some of the larger undertakers receive advances to enable them to prosecute their work; but as they are not always equally careful or fortunate, it happens that large balances accumulate against them. Orders have been sent from Calcutta, from time to time, to recover their balances, with little or no success; but with great vexation to all concerned in the manufacture. Sometimes they have imprisoned the failing contractors in their own houses: a severity which answers no useful purpose. Such persons are so many hands detached from the improvement, and added to the burthen of the country. They are persons of skill drawn from the future supply of that monopoly, in favor of which they are

prosecuted. In case of the death of the debtor, this rigorous demand falls upon the ruined houses of widows and orphans, and may be easily converted into a means, either of cruel oppression or a mercenary indulgence, according to the temper of the exacters.

Instead of thus having recourse to imprisonment, the old balance is sometimes deducted from the current produce. This, in these circumstances, is a grievous discouragement. People must be discouraged from entering into a business, when the commodity being fixed to one invariable standard, and confined to one market, the best success can be attended only with a limited advantage, whilst a defective produce can never be compensated by an augmented price. Accordingly, very little of these advances has been recovered; and after much vexation the pursuit has generally been abandoned. It is plain that there can be no life and vigor in any business under a monopoly so constituted; nor can the true productive resources of the country, in so large an article of its commerce, ever come to be fully known.

The supply for the company's demand in England has rarely fallen short of two thousand tons, nor much exceeded two thousand five hundred. A discretionary allowance of this commodity has been made to the French, Dutch, and Danes, who purchase their allotted shares at some small advance on the company's price. The supply destined for the London market is proportioned to the spare tonnage; and, to accommodate that tonnage, the saltpetre is sometimes sent to Madras, and sometimes even to Bombay; and that not unfrequently in vessels expressly employed for the purpose.

Mr. Law, chief of Patna, being examined on the effect of that monopoly, delivered his opinion, that, with regard to the company's *trade*, the monopoly was advantageous; but as sovereigns of the country they must be losers by it. These two capacities in the company are found in perpetual

contradiction. But much doubt may arise whether this monopoly will be found advantageous to the company, either in the one capacity or the other. The gross commodity, monopolized for sale in London, is procured from the revenues in Bengal; the certain is given for the hazardous. The loss of interest on the advances, sometimes the loss of the principal; the expense of carriage from Patna to Calcutta; the various loadings and unloadings, and insurance, (which, though borne by the company, is still insurance;) the engagement for the ordnance, limited in price, and irregular in payment; the charge of agency and management through all its gradations and successions; when all these are taken into consideration, it may be found, that the gain of the company, as traders, will be far from compensating their loss as sovereigns. A body like the East-India Company can scarcely, in any circumstance, hope to carry on the details of such a business, from its commencement to its conclusion, with any degree of success. In the subjoined estimate of profit and loss, the value of the commodity is stated at its invoice price at Calcutta. But this affords no just estimate of the whole effect of a dealing, where the company's charge commences in the first rudiments of the manufacture, and not at the purchase at the place of sale and valuation; for they may be heavy losses on the value at which the saltpetre is estimated, when shipped off on their account, without any appearance in the account; and the inquiries of your committee, to find the charges on the saltpetre previous to the shipping, have been fruitless.

BRITISH GOVERNMENT IN INDIA.

THE other link, by which India is bound to Great Britain, is the government established there originally by the authority of the East-India Company, and afterwards modified by parliament, by the acts of 1773 and 1780. This system of government appears to your committee to be at least as much disordered, and as much perverted from every good purpose, for which lawful rule is established, as the trading system has been from every just principle of commerce. Your committee, in tracing the causes of this disorder through its effects, have first considered the government as it is constituted and managed within itself, beginning with its most essential and fundamental part, the order and discipline, by which the supreme authority of this kingdom is maintained.

The British government in India being a subordinate and delegated power, it ought to be considered as a fundamental principle in such a system, that it is to be preserved in the strictest obedience to the government at home. Administration in India, at an immense distance from the seat of the supreme authority; entrusted with the most extensive powers; liable to the greatest temptations; possessing the amplest means of abuse; ruling over a people guarded by no distinct or well-ascertained privileges, whose language, manners, and radical prejudices, render not only redress, but all complaint, on their part, a matter of extreme difficulty; such an administration, it is evident, never can be made subservient to the interests of Great Britain, or even tolerable to the natives, but by the strictest rigor in exacting obedience to the commands of the authority lawfully set over it.

But your committee find, that this principle has been for some years very little attended to. Before the passing the

act of 1773, the professed purpose of which was to secure a better subordination in the company's servants, such was the firmness with which the court of Directors maintained their authority, that they displaced governor Cartier, confessedly a meritorious servant, for disobedience of orders; although his case was not a great deal more than a question by whom the orders were to be obeyed. Yet the directors were so sensible of the necessity of a punctual and literal obedience, that, conceiving their orders went to the parties, who were to obey, as well as to the act to be done, they proceeded with a strictness, that, in all cases, except that of their peculiar government, might well be considered as rigorous. But in proportion as the necessity of enforcing obedience grew stronger and more urgent, and in proportion to the magnitude and importance of the objects affected by disobedience, this rigor has been relaxed. Acts of disobedience have not only grown frequent, but systematic; and they have appeared in such instances, and are manifested in such a manner, as to amount, in the company's servants, to little less than absolute independence; against which, on the part of the directors, there is no struggle, and hardly so much as a protest to preserve a claim.

Before your committee proceed to offer to the house their remarks on the most distinguished of these instances, the particulars of which they have already reported, they deem it necessary to enter into some detail of a transaction equally extraordinary and important, though not yet brought into the view of parliament, which appears to have laid the foundation of the principal abuses that ensued, as well as to have given strength and encouragement to those that existed. To this transaction, and to the conclusions naturally deducible from it, your committee attribute that general spirit of disobedience and independence which has since prevailed in the government of Bengal.

Your committee find that, in the year 1775, Mr. Lauchlan Macleane was sent into England as agent to the nabob of

Arcot and to Mr. Hastings. The conduct of Mr. Hastings, in assisting to extirpate, for a sum of money to be paid to the company, the innocent nation of the Rohillas, had drawn upon him the censure of the court of directors, and the unanimous censure of the court of proprietors. The former had even resolved to prepare an application to his majesty for Mr. Hastings's dismission.

Another general court was called on this proceeding. Mr. Hastings was then openly supported by a majority of the court of proprietors, who professed to entertain a good opinion of his general ability and rectitude of intention, notwithstanding the unanimous censure passed upon him. In that censure they therefore seemed disposed to acquiesce, without pushing the matter further. But as the offence was far from trifling, and the condemnation of the measure recent, they did not directly attack the resolution of the directors to apply to his majesty, but voted, in the ballot, that it should be reconsidered. The business therefore remained in suspense, or it rather seemed to be dropped, for some months, when Mr. Macleane took a step, of a nature not in the least to be expected from the condition in which the cause of his principal stood, which was apparently as favorable as the circumstances could bear. Hitherto the support of Mr. Hastings in the general court was only by a majority; but if, on application from the directors, he should be removed, a mere majority would not have been sufficient for his restoration. The door would have been barred against his return to the company's service, by one of the strongest and most substantial clauses in the regulating act of 1773. Mr. Macleane, probably to prevent the manifest ill consequences of such a step, came forward with a letter to the court of directors, declaring his provisional powers, and offering, on the part of Mr. Hastings, an immediate resignation of his office.

On this occasion the directors showed themselves extremely punctilious with regard to Mr. Macleane's powers. They

probably dreaded the charge of becoming accomplices to an evasion of the act, by which Mr. Hastings, resigning the service, would escape the consequences attached by law to a dismission; they therefore demanded Mr. Macleane's written authority. This he declared he could not give into their hands, as the letter contained other matters, of a nature extremely confidential; but that, if they would appoint a committee of the directors, he would readily communicate to them the necessary parts of the letter, and give them perfect satisfaction with regard to his authority. A deputation was accordingly named; who reported that they had seen Mr. Hastings's instructions, contained in a paper in *his own hand-writing*, and that the authority for the act now done by Mr. Macleane was clear and sufficient. Mr. Vansittart, a very particular friend of Mr. Hastings, and Mr. John Stuart, his most attached and confidential dependant, attended on this occasion, and proved that directions, perfectly correspondent to this written authority, had been given by Mr. Hastings in their presence. By this means, the powers were fully authenticated; but the letter remained safe in Mr. Macleane's hands.

Nothing being now wanting to the satisfaction of the directors, the resignation was formally accepted. Mr. Wheeler was named to fill the vacancy, and presented for his majesty's approbation, which was received. The act was complete, and the office, that Mr. Hastings had resigned, was legally filled. This proceeding was officially notified in Bengal, and General Clavering, as senior in council, was in course to succeed to the office of governor-general.

Mr. Hastings, to extricate himself from the difficulties into which this resignation had brought him, had recourse to one of those unlooked-for and hardy measures which characterize the whole of his administration. He came to a resolution of disowning his agent, denying his letter, and disavowing his friends. He insisted on continuing in the execution of his office, and supported himself by such reasons as could be

furnished in such a cause. An open schism instantly divided the council. General Clavering claimed the office, to which he ought to succeed, and Mr. Francis adhered to him; Mr. Barwell stuck to Mr. Hastings. The two parties assembled separately, and every thing was running fast into a confusion, which suspended government, and might very probably have ended in a civil war, had not the judges of the supreme court, on a reference to them, settled the controversy, by deciding that the resignation was an invalid act, and that Mr. Hastings was still in the legal possession of his place, which had been actually filled up in England. It was extraordinary, that the nullity of this resignation should not have been discovered in England, where the act authorizing the resignation then was; where the agent was personally present; where the witnesses were examined; and where there was, and could be, no want of legal advice, either on the part of the company or of the crown. The judges took no light matter upon them in superseding, and thereby condemning, the legality of his majesty's appointment; for such it became by the royal approbation.

On this determination, such as it was, the division in the meeting, but not in the minds of the council, ceased. General Clavering uniformly opposed the conduct of Mr. Hastings to the end of his life. But Mr. Hastings showed more temper under much greater provocations. In disclaiming his agent, and in effect accusing him of an imposture the most deeply injurious to his character and fortune, and of the grossest forgery to support it, he was so very mild and indulgent, as not to show any active resentment against his unfaithful agent, nor to complain to the court of directors. It was expected in Bengal, that some strong measures would have immediately been taken to preserve the just rights of the king and of the court of directors; as this proceeding, unaccompanied with the severest animadversion, manifestly struck a decisive blow at the existence of the most essential powers of both. But your committee do not find that any

measures whatever, such as the case seemed to demand, were taken. The observations made by the court of directors, on what they call "*these extraordinary transactions*," are just, and well applied. They conclude with a declaration, "*that the measures which it might be necessary for them to take, in order to retrieve the honor of the company, and to prevent the like abuse from being practised in future, should have their most serious and earliest consideration;*" and with this declaration they appear to have closed the account, and to have dismissed the subject forever.

A sanction was hereby given to all future defiance of every authority in this kingdom. Several other matters of complaint against Mr. Hastings, particularly the charge of peculation, fell to the ground at the same time. Opinions of counsel had been taken, relative to a prosecution at law upon this charge, from the then attorney and the then solicitor-general and Mr. Dunning [now the Lords Thurlow, Loughborough, and Ashburton], together with Mr. Adair [now recorder of London]. None of them gave a positive opinion against the grounds of the prosecution. The attorney-general doubted on the *prudence* of the proceedings, and censured (as it well deserved) the ill statement of the case. Three of them, Mr. Wedderburn, Mr. Dunning, and Mr. Adair, were clear in favor of the prosecution. No prosecution, however, was had, and the directors contented themselves with censuring and admonishing Mr. Hastings.

With regard to the supreme council, the members, who chose (for it was choice only) to attend to the orders which were issued from the languishing authority of the directors, continued to receive unprofitable applauses and no support. Their correspondence was always filled with complaints, the justice of which was always admitted by the court of directors; but this admission of the existence of the evil showed only the impotence of those who were to administer the remedy. The authority of the court of directors, resisted with success in so capital an instance as that of the resigna-

tion, was not likely to be respected in any other. What influence it really had on the conduct of the company's servants may be collected from the facts that followed it.

The disobedience of Mr. Hastings has of late not only become uniform and systematical in practice, but has been in principle also supported by him and by Mr. Barwell, late a member of the supreme council in Bengal, and now a member of this house.

In the consultation of the 20th of July, 1778, Mr. Barwell gives it as his solemn and deliberate opinion, that, "while Mr. Hastings is in the government, the respect and dignity of his station should be supported. In these sentiments I must decline an acquiescence in *any* order, which has a *tendency* to bring the government into disrepute. As the company have the means and power of forming their own administration in India, they may at pleasure place whom they please at the head; but in my opinion they are not authorized to treat a person in that post with *indignity*."

By treating them with indignity (in the particular cases wherein they have declined obedience to orders) they must mean those orders which imply a censure on any part of their conduct, a reversal of any of their proceedings, or, as Mr. Barwell expresses himself in words very significant, in any orders, that have a *tendency* to bring *their* government into disrepute. The amplitude of this latter description reserving to them the judgment of any orders, which have so much as that *tendency*, puts them in possession of a complete independence; an independence including a despotic authority over the subordinates and the country. The very means taken by the directors for enforcing their authority becomes, on this principle, a cause of further disobedience. It is observable, that their principles of disobedience do not refer to any local consideration overlooked by the directors, which might supersede their orders, or to any change of circumstances, which might render another course advisable, or even perhaps necessary; but it relates solely to their own interior feelings

in matters relative to themselves, and their opinion of their own dignity and reputation. It is plain, that they have wholly forgotten who they are, and what the nature of their office is. Mr. Hastings and Mr. Barwell are servants of the company; and as such, by the duty inherent in that relation, as well as by their special covenants, were obliged to yield obedience to the orders of their masters. They have, as far as they are able, cancelled all the bonds of this relation, and all the sanctions of these covenants.

But, in thus throwing off the authority of the court of directors, Mr. Hastings and Mr. Barwell have thrown off the authority of the whole legislative power of Great Britain; for, by the regulating act of the thirteenth of his majesty, they are expressly "directed and required to pay due obedience to *all* such orders as they shall receive from the court of directors of the said united company." Such is the declaration of the law. But Mr. Barwell declares, that he declines obedience to *any* orders, which he shall interpret to be indignities on a governor-general. To the clear injunctions of the legislature, Mr. Hastings and Mr. Barwell have thought proper to oppose their pretended reputation and dignity: as if the chief honor of public ministers in every situation was not to yield a cheerful obedience to the laws of their country. Your committee, to render evident to this house the general nature and tendency of this pretended dignity, and to illustrate the real principles upon which they appear to have acted, think it necessary to make observations on three or four of the cases, already reported, of marked disobedience to particular and special orders; on one of which the above extraordinary doctrine was maintained.

These are the cases of Mr. Fowke, and Mr. Bristow, and Mahomed Reza Khân. In a few weeks after the death of Colonel Monson, Mr. Hastings having obtained a majority in council by his casting vote, Mr. Fowke and Mr. Bristow were called from their respective offices of residents at

Benares and Oude; places which have become the scenes of other extraordinary operations under the conduct of Mr. Hastings in person. For the recall of Mr. Bristow no reason was assigned. The reason assigned for the proceeding with regard to Mr. Fowke was, that "the purposes for which he was appointed were then fully accomplished."

An account of the removal of Mr. Fowke was communicated to the court of directors, in a letter of the 22d of December, 1776. On this notification, the court had nothing to conclude, but that Mr. Hastings, from a rigid pursuit of economy in the management of the company's affairs, had recalled a useless officer. But, without alleging any variation whatsoever in the circumstances, in less than twenty days after the order for the recall of Mr. Fowke, and the *very day after the despatch* containing an account of the transaction, Mr. Hastings recommended Mr. Graham to this very office; the end of which, he declared to the directors but the day before, had been fully accomplished. And not thinking this sufficient, he appointed Mr. D. Barwell as his assistant, at a salary of about £400 a year. Against this extraordinary act General Clavering and Mr. Francis entered a protest.

So early as the 6th of the following January, the appointment of these gentlemen was communicated in a letter to the court of directors, without any sort of color, apology, or explanation. That court found a servant removed from his station without complaint, contrary to the tenor of one of their standing injunctions. They allow, however, and with reason, that, "if it were possible to suppose that a saving, &c. had been his motive, they would have approved his proceeding; but that, when, immediately afterwards, two persons with *two* salaries had been appointed to execute the office, which had been filled with reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the emoluments annexed to the office of Mr. Fowke;" they properly conclude, that Mr. Fowke was removed without just cause, to make way for Mr. Graham; and strictly enjoin, that the former be rein-

stated in his office of resident as post-master of Benares. In the same letter they assert their rights in a tone of becoming firmness, and declare that "on no account we can permit our orders to be disobeyed, or our authority disregarded."

It was now to be seen which of the parties was to give way. The orders were clear and precise, and enforced by a strong declaration of the resolution of the court to make itself obeyed. Mr. Hastings fairly joined issue upon this point with his masters; and, having disobeyed the general instructions of the company, determined to pay no obedience to their special order.

On the 21st July, 1778, he moved, and succeeded in his proposition, that the execution of these orders should be suspended. The reason he assigned for this suspension lets in great light upon the true character of all these proceedings: "that his consent to the recall of Mr. Graham would be adequate to his own resignation of the service, as it would inflict such a wound on *his authority and influence*, that he could not maintain it."

If that had been his opinion, he ought to have resigned, and not disobeyed; because it was not necessary that he should hold his office; but it was necessary that, whilst he held it, he should obey his superiors and submit to the law. Much more truly was his conduct a virtual resignation of his lawful office, and at the same time an usurpation of a situation, which did not belong to him, to hold a subordinate office, and to refuse to act according to its duties. Had his authority been self-originated, it would have been wounded by his submission; but in this case the true nature of his authority was affirmed, not injured, by his obedience, because it was a power derived from others, and, by its essence, to be executed according to their directions.

In this determined disobedience he was supported by Mr. Barwell, who, on that occasion, delivered the dangerous doctrine, to which your committee have lately adverted. Mr.

Fowke, who had a most material interest in this determination, applied by letter to be informed concerning it. An answer was sent, acquainting him coldly, and without any reason assigned, of what had been resolved relative to his office. This communication was soon followed by another letter from Mr. Fowke, with great submission, and remarkable decency, asserting his right to his office, under the authority of the court of directors; and, for solid reasons, grounded on the company's express orders, praying to be informed of the charge against him. This letter appears to have been received by Mr. Hastings and Mr. Barwell very loftily. Mr. Hastings said, "that such applications were irregular; that they are not accountable to Mr. Fowke for their resolution respecting him. The reasons for suspending the execution of the orders of the court of directors contain *no charge, nor the slightest imputation of a charge*, against Mr. Fowke; *but I see no reason why the board should condescend to tell him so.*" Accordingly, the proposition of Mr. Francis and Mr. Wheeler, to inform Mr. Fowke "that they had no reason to be dissatisfied with his conduct," on the previous question was rejected.

By this resolution Mr. Hastings and Mr. Barwell discovered another principle, and no less dangerous than the first; viz., that persons, deriving a valuable interest under the company's orders, so far from being heard in favor of their right, are not so much as to be informed of the grounds on which they are deprived of it.

The arrival, soon after, of Sir Eyre Coote, giving another opportunity of trial, the question for obedience to the company's orders [1st and 5th April, 1779] was again brought on by Mr. Francis, and again received a negative. Sir Eyre Coote, though present, and declaring that, had he been at the original consultation, he should have voted for the immediate execution of the company's orders, yet was resolved to avoid what he called *any kind of retrospect.* His neutrality gained the question in favor of this the third resolution for disobedience to orders.

The resolution in Bengal being thus decisively taken, it came to the turn of the court of directors to act their part. They did act their part exactly in their old manner; they had recourse to their old remedy of repeating orders which had been disobeyed. The directors declare to Mr. Hastings and Mr. Barwell (though without any apparent reason) that "they have read *with astonishment their formal resolution* to suspend the execution of their orders; that they shall take such measures as appear necessary for *preserving the authority of the court of directors*, and for preventing *such instances of direct and wilful* disobedience in their servants, in time to come." They then renew their directions concerning Mr. Fowke. The event of this *sole* measure, taken to preserve their authority, and to prevent instances of direct and wilful disobedience, your committee will state in its proper place, taking into consideration, for the present, the proceedings relative to Mr. Bristow, and to Mahomed Reza Khân, which were altogether in the same spirit. But as they were diversified in the circumstances of disobedience, as well from the case of Mr. Fowke as from one another, and as these circumstances tend to discover other dangerous principles of abuse, and the general prostrate condition of the authority of parliament in Bengal, your committee proceed first to make some observations upon them.

The province of Oude, enlarged by the accession of several extensive and once flourishing territories, that is, by the country of the Rohillas, the district of Corah and Allahabad, and other provinces betwixt the Ganges and Jumna, is under the nominal dominion of one of the princes of the country, called Asoph ul Dowlah. But a body of English troops is kept up in his country; and the greatest part of his revenues are, by one description or another, substantially under the administration of English subjects. He is, to all purposes, a dependent prince. The person to be employed in his dominions to act for the committee was, therefore, of little consequence in his capacity of negotiator; but he was vested

with a trust, great and critical, in all pecuniary affairs. These provinces of dependence lie out of the system of the company's ordinary administration; and transactions there cannot be so readily brought under the cognizance of the court of directors. This renders it the more necessary that the residents in such places should be persons not disapproved of by the court of directors. They are to manage a permanent interest, which is not, like a matter of political negotiation, variable, and which, from circumstances, might possibly excuse some degree of discretionary latitude in construing their orders. During the lifetime of General Clavering and Colonel Monson, Mr. Bristow was appointed to this presidency, and that appointment, being approved and confirmed by the court of directors, became in effect their own. Mr. Bristow appears to have shown himself a man of talents and activity. He had been principally concerned in the negotiations by which the company's interest in the higher provinces had been established; and those services were considered by the presidency of Calcutta as so meritorious, that they voted him £10,000 as a reward, with many expressions of esteem and honor.

Mr. Bristow, however, was recalled by Mr. Hastings and Mr. Barwell, who had then acquired the majority, without any complaint having been assigned as the cause of his removal, and Mr. Middleton was sent in his stead to reside at the capital of Oude. The court of directors, as soon as they could be apprized of this extraordinary step, in their letter of the 4th of July, 1777, express their strongest disapprobation of it; they order Mr. Middleton to be recalled, and Mr. Bristow to be reinstated in his office. In December, 1778, they repeat their order. Of these repeated orders no notice was taken. Mr. Bristow, fatigued with unsuccessful private applications, which met with a constant refusal, did, at length, on the 1st of May, 1780, address a letter to the board, making his claim of right; entitling himself to his offices, under the authority of the court of directors; and complaining of the

hardships which he suffered by the delay in admitting him to the exercise of it. This letter your committee have inserted at large in the fifth report, having found nothing whatsoever exceptionable in it, although it seems to have excited the warmest resentment in Mr. Hastings.

This claim of the party gave no new force to the order of the directors, which remained without any attention from the board, from Mr. Bristow's arrival until the 1st of May, and with as little from the 1st of May to the 2d of October following. On that day Mr. Francis, after having caused the repeated orders of the court of directors to be first read, moved, that Mr. Bristow should be reinstated in his office. This motion, in itself just and proper in the highest degree, and in which no fault could be found, but that it was not made more early, was received by Mr. Hastings with the greatest marks of resentment and indignation. He declares in his minute, that, "were the most determined adversary of the British nation to possess, by whatever means, a share in the administration, he could not devise a measure in *itself* so pernicious, or *time* it so effectually for the *ruin* of the British interests in India." Then, turning to the object of the motion, he says, "I will ask, who is Mr. Bristow, that a member of the administration should, at such a time, hold him forth as *an instrument for the degradation of the first executive member of this government?* What are the professed objects of his appointment? What are the *merits* and services, or what the *qualifications*, which entitle him to such uncommon distinction? Is it for his superior *integrity*, or for his eminent *abilities*, that he is to be dignified at such hazard of every consideration that ought to influence the members of this administration? Of the former (his integrity) I know *no proofs;* I am sure it is not an evidence of it, that he has been *enabled* to make himself the principal in such a *competition;* and for the test of his abilities, I appeal to the letter which he has *dared* to write to this board, and which I am ashamed to say we have *suffered.* I desire that a copy

of it may be inserted in this day's proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, *their servant*, who has publicly insulted *them, his masters*, and the members of the government, to whom he owes *his obedience;* who, assuming an association with the court of directors, and erecting himself into a *tribunal*, has *arraigned* them for *disobedience* of orders, *passed judgment* upon them, *and condemned or acquitted them as their magistrate or superior.* Let the board consider, whether a man, possessed of so *independent* a spirit, who has already shown a *contempt* of their authority, who has shown himself *so wretched an advocate for his own cause, and negotiator for his own interest*, is fit to be trusted with the guardianship of *their* honor, the execution of *their* measures, and as *their* confidential manager and negotiator with the princes of India. As the motion has been unaccompanied by any reasons which should induce the board to pass their acquiescence in it, I presume the motion which preceded it, for *reading the orders of the court of directors, was intended to serve as an argument for it, as well as an introduction to it.* The last of those was dictated the 23d December, 1778, almost two years past. They were dictated at a time when, I am sorry to say, the court of directors were in the *habit of casting reproach upon my conduct, and heaping indignities upon my station.*"

Had the language and opinions, which prevail throughout this part of the minute, as well as in all the others to which your committee refer, been uttered suddenly, and in a passion, however unprovoked, some sort of apology might be made for the governor-general. But when it was produced five months after the supposed offence, and then delivered in writing, which always implies the power of a greater degree of recollection and self-command, it shows how deeply the principles of disobedience had taken root in his mind, and of an assumption to himself of exorbitant powers, which he chooses to distinguish by the title of "*his prerogative.*"

In this also will be found an obscure hint of the cause of his disobedience, which your committee conceive to allude to the main cause of the disorders in the government of India, namely an underhand communication with Europe.

Mr. Hastings, by his confidence in the support derived from this source, or from the habits of independent power, is carried to such a length as to consider a motion to obey the court of directors as a degradation of the executive government in his person. He looks upon a claim under that authority, and a complaint that it has produced no effect, as a piece of daring insolence, which he is ashamed that the board has suffered. The behavior, which your committee consider as so intemperate and despotic, he regards as a culpable degree of patience and forbearance. Major Scott, his agent, enters so much into the principles of Mr. Hastings's conduct, as to tell your committee that, in his opinion, Lord Clive would have sent home Mr. Bristow a prisoner upon such an occasion. It is worthy of remark, that, in the very same breath that Mr. Hastings so heavily condemns a junior officer in the company's service (not a *servant* of the council, as he hazards to call him, but *their fellow-servant*) for merely complaining of a supposed injury, and requiring redress, he so far forgets his own subordination as to reject the orders of the court of directors, even as an *argument* in favor of appointing a person to an office; to presume to censure *his* undoubted masters; and to accuse them of having been "in a habit of casting reproaches upon him, and heaping indignities on *his* station." And it is to be observed that this censure was not for the purpose of seeking or obtaining redress for any injury, but appeared rather as a reason for refusing to obey their lawful commands. It is plainly implied in that minute, that no servant of the company, in Mr. Bristow's rank, would dare to act in such a manner, if he had not, by indirect means, obtained a premature fortune. This alone is sufficient to show the situation of the company's servants in the subordinate situations, when the mere claim of a right,

derived from the sovereign legal power, becomes fatal not only to the objects which they pursue, but deeply wounds that reputation, both for ability and integrity, by which alone they are to be qualified for any other.

If any thing could add to the disagreeable situation of those who are submitted to an authority conducted on such principles, it is this: the company has ordered that no complaint shall be made in Europe against any of the council without being previously communicated to them; a regulation formed upon grave reasons; and it was certainly made in *favor* of that board. But if a person, having ground of complaint against the council, by making use of the mode prescribed in favor of that very council, and by complaining to themselves, commits an offence, for which he may be justly punished, the directors have not regulated the mode of complaint; they have actually forbidden it: they have, on that supposition, renounced their authority; and the whole system of their officers is delivered over to the arbitrary will of a few of their chief servants.

During the whole day of that deliberation, things wore a decided face. Mr. Hastings stood to his principles in their full extent, and seemed resolved upon unqualified disobedience. But, as the debate was adjourned to the day following, time was given for expedients; and such an expedient was hit upon by Mr. Hastings, as will, no doubt, be unexpected by the house; but it serves to throw new lights upon the motives of all his struggles with the authority of the legislature.

The next day the council met upon the adjournment. Then Mr. Hastings proposed, as a compromise, a division of the object in question. One half was to be surrendered to the authority of the court of directors, the other was reserved for his dignity. But the choice he made of his own share in this petition is very worthy of notice. He had taken his *sole* ground of objection against Mr. Bristow on the supposed ill effect, that such an appointment would have on the minds

of the Indian powers. He said, "that these powers could have no dependence on his fulfilling his engagements, *or maintaining the faith of treaties*, which he might offer for their acceptance, if they saw him treated with such contempt." Mr. Bristow's appearing in a political character was the *whole* of his complaint; yet, when he comes to a voluntary distribution of the duties of the office, he gives Mr. Bristow those very political negotiations, of which, but the day before, he had in such strong terms declared him personally incapable; whose appointment he considered to be fatal to those negotiations; and which he then spoke of as a measure, in *itself*, such as the bitterest adversary to Great Britain would have proposed. But, having thus yielded his whole ground of ostensible objection, he reserved to his own appointment the entire management of the pecuniary trust. Accordingly he named Mr. Bristow for the former, and Mr. Middleton for the latter. On his own principles, he ought to have done the very reverse. On every justifiable principle he ought to have done so; for, a servant, who for a long time resists the orders of his masters, and, when he reluctantly gives way, obeys them by halves, ought to be remarkably careful to make his actions correspond with his words, and to put himself out of all suspicion with regard to the purity of his motives. It was possible that the political reasons, which were solely assigned against Mr. Bristow's appointment, might have been the real motives of Mr. Hastings opposition. But these he totally abandons, and holds fast to the pecuniary department. Now, as it is notorious that most of the abuses of India grow out of money-dealing, it was peculiarly unfit for a servant, delicate with regard to his reputation, to require a *personal* and confidential agent in a situation merely official; in which secrecy and personal connections could be of no possible use, and could only serve to excite distrust. Matters of account cannot be made too public; and it is not the most confidential agent, but the most responsible, who is the fittest for the management of

pecuniary trusts. That man was the fittest at once to do the duty and to remove all suspicions from the governor-general's character, whom, by not being of his appointment, he could not be supposed to favor for private purposes; who must naturally stand in awe of his inspection; and whose misconduct could not possibly be imputable to him. Such an agency, in a pecuniary trust, was the very last on which Mr. Hastings ought to have risked his disobedience to the orders of the direction; or, what is even worse for his motives, a direct contradiction to all the principles, upon which he had attempted to justify that bold measure.

The conduct of Mr. Hastings, in the affair of Mahomed Reza Khân, was an act of disobedience of the same character, but wrought by other instruments. When the Duanny (or universal perception and management of the revenues) of Bengal was acquired to the company, together with the command of the army, the nabob, or governor, naturally fell into the rank rather of a subject, than that even of a dependent prince. Yet the preservation of such a power in such a degree of subordination with the criminal jurisdiction, and the care of the public order annexed to it, was a wise and laudable policy. It preserved a portion of the government in the hands of the natives; it kept them in respect; it rendered them quiet on the change; and it prevented that vast kingdom from wearing the dangerous appearance, and still more, from sinking into the terrible state of a country of conquest. Your committee has already reported the manner in which the company (it must be allowed upon pretences that will not bear the slightest examination) diverted from its purposes a great part of the revenues appropriated to the country government; but they were very properly anxious, that what remained should be well administered. In the lifetime of General Clavering and Colonel Monson, Mahomed Reza Khân, a man of rank among the natives, was judged by them the fittest person to conduct the affairs of the nabob, as his naib or deputy; an office well

known in the ancient constitution of these provinces, at a time when the principal magistrates, by nature and situation, were more efficient. This appointment was highly approved, and in consequence confirmed, by the court of directors. Mr. Hastings and Mr. Barwell, however, thought proper to remove him. To the authority of the court of directors they opposed the request of the nabob, stating that he was arrived at the common age of maturity, and stood *in no need of a deputy to manage his affairs.* On former occasions, Mr. Hastings conceived a very low opinion of the condition of the person whom he thus set up against the authority of his masters. "On a former occasion, (as the directors tell him,) and to serve a very different purpose, he had not scrupled to declare it as visible as the sun, that the nabob was a mere pageant without even the *shadow of authority.*" But on this occasion he became more substantial. Mr. Hastings and Mr. Barwell yielded to his representation, that a deputy was not necessary, and accordingly Mahomed. Reza Khân was removed from his office.

However, lest any one should so far mistrust their understanding as to conceive them the dupes of this pretext, they, who had disobeyed the company's orders, under color that *no deputy was necessary*, immediately appoint another deputy. This independent prince, who, as Mr. Hastings said, "had an incontestable right to his situation, and that it was his by inheritance," suddenly shrunk into his old state of insignificance, and was even looked upon in so low a light, as to receive a severe reprimand from Mr. Hastings for *interposing* in the duties of his (the deputy's) office.

The company's orders, censuring this transaction in the strongest terms, and ordering Mahomed Reza Khân to be immediately restored to the office of Naib Subadar, were received in Calcutta in November, 1779. Mr. Hastings acted on this with the firmness which he had shown on other occasions; but in his principles he went further. Thinking himself assured of some extraordinary support, suitable to

the open and determined defiance, with which he was resolved to oppose the lawful authority of his superiors, and to exercise a despotic power, he no longer adhered to Mr. Barwell's distinction of the orders, which had a tendency to bring his government into disrepute. This distinction afforded sufficient latitude to disobedience. But here he disdained all sorts of colors and distinctions. He directly set up an independent right to administer the government according to his pleasure; and he went so far as to bottom his claim to act independently of the court of directors on the very statute which commanded his obedience to them.

He declared roundly, "that he should *not* yield to the authority of the court of directors in *any* instance, in which it should require his concession of the rights which he held under an act of parliament." It is too clear to stand in need of proof, that he neither did or could hold any authority that was not subject, in every particle of it, and in every instance in which it could be exercised, to the orders of the court of directors.

He therefore refused to back the company's orders with any requisition from himself to the nabob, but merely suffered them to be transmitted to him, leaving it to him to do just as he thought proper. The nabob, who called Mr. Hastings "his patron, and declared he would never do any thing without his consent and approbation," perfectly understood this kind of signification. For the second time, the nabob recovered from his trance of pageantry and insignificance, and collected courage enough to write to the council in these terms: "I administer the affairs of the nizamut, (the government,) which are the affairs of my *own family*, by my *own authority*, and shall do so; and I never can *on any account agree* to the appointment of the nabob Mahomed Reza Khân to the Naib Subahship." Here was a second independent power in Bengal. This answer from that power proved as satisfactory as it was resolute. No further notice was taken of the orders of the court of directors, and Mahomed Reza

Khân found their protection much more of a shadow than the pageant of power, of which he aspired to be the representative.

This act of disobedience differs from the others in one particular, which, in the opinion of your committee, rather aggravates than extenuates the offence. In the others, Messrs. Hastings and Barwell took the responsibility on themselves; here they held up the pretext of the country government. However, they obtained thereby one of the objects which they appear to have systematically pursued. As they had, in the other instances, shown to the British servants of the company that the directors were not able to protect them, here the same lesson was taught to the natives. Whilst the matter lay between the native power and the servants, the former was considered by Mr. Hastings in the most contemptible light. When the question was between the servants and the court of directors, the native power was asserted to be a self-derived, hereditary, uncontrollable authority, and encouraged to act as such.

In this manner the authority of the British legislature was at that time treated with every mark of reprobation and contempt. But, soon after, a most unexpected change took place, by which the persons, in whose favor the court of directors had in vain interposed, obtained specific objects, which had been refused to them: things were, however, so well contrived, that legal authority was nearly as much affronted by the apparent compliance with their orders, as by the real resistance they had before met with. After long and violent controversies, an agreement took place between Mr. Hastings and Mr. Francis. It appears that Mr. Hastings, embarrassed with the complicated wars and ruinous expenses into which his measures had brought him, began to think of procuring peace at home. The agreement originated in a conversation, held on Christmas-day, 1779, between Major Scott, then aide-de-camp, and now agent, to Mr. Hastings, and Mr. Ducarrel, a gentleman high in the company's service at Calcutta. Mr.

Scott, in consequence of this conversation, was authorized to make overtures to Mr. Francis through Mr. Ducarrel; to declare Mr. Hastings tired of controversy, expressing his wish to have the Mahratta war entirely left to him; that there were certain points *he could not give up;* that he could *not* (for reasons he then assigned) *submit* to the restoration of Mr. Fowke, Mahomed Reza Khân, and Mr. Bristow; *that he had not the smallest personal objection to them,* and would willingly provide for them in any other line.

Mr. Francis, in this treaty, insisted on those very points which Mr. Hastings declared he could never give up, and that his conditions were the company's orders; that is, the restoration of the persons whom they had directed to be restored. The event of this negotiation was, that Mr. Hastings at length submitted to Mr. Francis, and that Mr. Fowke and Mahomed Reza Khân were reinstated in their situations.

Your committee observe, on this part of the transaction of Mr. Hastings, that, as long as the question stood upon his obedience to his lawful superiors, so long he considered the restoration of these persons as a gross indignity, the submitting to which would destroy all his credit and influence in the country. But, when it was to accommodate his own occasions in a treaty with a fellow-servant, all these difficulties instantly vanish, and he finds it perfectly consistent with his dignity, credit, and influence, to do for Mr. Francis what he had refused to the strict and reiterated injunctions of the court of directors. Tranquillity was, however, for a time restored by this measure, though it did not continue long. In about three months an occasion occurred, in which Mr. Francis gave some opposition to a measure proposed by Mr. Hastings, which brought on a duel; upon the mischievous effects of which your committee have already made their observations.

The departure of Mr. Francis, soon after, for Europe, opened a new scene, and gave rise to a third revolution.

Lest the arrangement with the servants of the company should have the least appearance of being mistaken for obedience to their superiors, Mr. Francis was little more than a month gone, when Mr. Fowke was again recalled from Benares, *and Mr. Bristow, soon after, from Oude.* In these measures Mr. Hastings has combined the principles of disobedience which he had used in all the cases hitherto stated. In his minute of consultation on this recall, he refers to his former minutes; and he adds, that he has "a recent motive in the necessity of removing any circumstance which may contribute to lessen his *influence*, in the effect of any negotions in which he may be engaged in the prosecution of his intended visit to Lucknow." He here reverts to his old plea of preserving his influence; not content with this, as in the case of Mahomed Reza Khân he had called in the aid of the nabob of Bengal, he here calls in the aid of the nabob of Oude, who, on reasons exactly tallying with those given by Mr. Hastings, desires that Mr. Bristow may be removed. The true weight of these requisitions will appear, if not sufficiently apparent from the known situation of the parties, by the following extract of a letter from this nabob of Oude to his agent at Calcutta, desiring him to acquaint Mr. Hastings, that, "if it is proper, I will write to the king [of Great Britain] and the vizier [one of his majesty's ministers], and the chief of the company, *in such a manner as he shall direct, and in the words that he shall order*, that Mr. Bristow's views may be thwarted there." There is no doubt of the entire coöperation of the nabob Asoph ul Dowlah in all the designs of Mr. Hastings, and in thwarting the views of any persons, who place their reliance on the authority of this kingdom.

As usual, the court of directors appear in their proper order in the procession. After this third act of disobedience with regard to the same person and the same office, and after calling the proceedings unwarrantable, "*in order to vindicate and uphold their own authority, and thinking it a duty in-*

cumbent on them to maintain the authority of the court of directors," they again order Mr. Bristow to be reinstated, and Mr. Middleton to be recalled: in this circle the whole moves with great regularity.

The extraordinary operations of Mr. Hastings, that soon after followed in every department, which was the subject of all these acts of disobedience, have made them appear in a light peculiarly unpropitious to his cause. It is but too probable, from his own accounts, that he meditated some strong measure, both at Benares and at Oude, at the very time of the removal of those officers. He declares he knew that his conduct in those places was such as to lie very open to malicious representations. He must have been sensible that he was open to such representations from the beginning; he was, therefore, impelled by every motive, which ought to influence a man of sense, by no means to disturb the order which he had last established.

Of this, however, he took no care; but he was not so inattentive to the satisfaction of the sufferers, either in point of honor or of interest. This was most strongly marked in the case of Mr. Fowke. His reparation to that gentleman, in point of honor, is as full as possible. Hr. Hastings "declared that he approved his character and his conduct in office, and believed that he might *depend* upon *his exact and literal obedience and fidelity* in the execution of the functions annexed to it." Such is the character of the man whom Mr. Hastings a second time removed from the office, to which he told the court of directors, in his letter of the 3d of March, 1780, he had appointed him in conformity to their orders. On the 14th of January, 1781, he again finds it an indispensable obligation in him to exercise powers "*inherent* in the constitution of his government." On this principle he claimed "the right of nominating the agent of his own choice to the residence of Benares; that it is a representative situation; that, speaking for myself *alone*, it may be *sufficient* to say, that Mr. Francis Fowke is not *my* agent; *that*

I cannot give him my confidence; that, while he continues at Benares, he stands as a screen between the rajah and this government, instead of an instrument of control; that the rajah himself, and every chief in Hindostan, will regard it as the pledge and foundation of his independence." Here Mr. Hastings has got back to his old principles, where he takes post as on strong ground. This he declares "to be his objection to Mr. Fowke, and that it is insuperable." The very line before this paragraph he writes of this person, to whom he *could* not give his *confidence*, that "he believed he might *depend* upon *his fidelity*, and his exact and literal obedience." Mr. Scott, who is authorized to defend Mr. Hastings, supported the same principles before your committee, by a comparison, that avowedly reduces the court of directors to the state of a party against their servants. He declared that, in his opinion, "it would be just *as absurd* to *deprive him* of the power of nominating his ambassador at Benares, as it would be to force on the *ministry* of this country an ambassador from the *opposition.*" Such is the opinion entertained in Bengal, and that but too effectually realized, of the relation between the principal servants of the company and the court of directors.

So far the reparation, in point of honor, to Mr. Fowke was complete. The reparation, in point of interest, your committee do not find to have been equally satisfactory; but they do find it to be of the most extraordinary nature, and of the most mischievous example. Mr. Fowke had been deprived of a place of rank and honor; the place of a public vackeel, or representative. The recompense provided for him is a succession to a contract. Mr. Hastings moved, that, on the expiration of Colonel Morgan's contract, he should be appointed agent to all the boats employed for the military service of that establishment, with a commission of *fifteen per cent. on all disbursements in that office;* permitting Mr. Fowke, at the same time, to draw his allowance of £100 a month, as resident, until the expiration of the contract, and for three months after.

Mr. Hastings is himself struck, as every one must be, with so extraordinary a proceeding; the principle of which, he observes, "is liable to *one* material objection." That one is material indeed; for, no limit being laid down for the expense in which the per-centage is to arise, it is the direct interest of the person employed to make his department as expensive as possible. To this Mr. Hastings answers, that "he is convinced by experience it will be better performed;" and yet, he immediately after subjoins, "this *defect* can *only* be corrected by the probity of the person intrusted with so important a charge; and I am willing to have it understood, as a proof of *the confidence I repose in Mr. Fowke*, that I have proposed his appointment, in opposition *to a general principle*, to a trust so constituted."

In the beginning of this very minute of consultation, Mr. Hastings removes Mr. Fowke from the residency of Benares, because "he cannot give him his confidence;" and yet, before the pen is out of his hand, he violates one of the soundest general principles in the whole system of dealing, in order to give a proof of the confidence he reposes in that gentleman. This apparent gross contradiction is to be reconciled but by one way; which is, that confidence with Mr. Hastings comes and goes with his opposition to legal authority. Where that authority recommends any person, his confidence in him vanishes; but, to show that it is the authority, and not the person, he opposes, when that is out of sight there is no rule so sacred, which is not to be violated to manifest his real esteem and perfect trust in the person whom he has rejected. However, by overturning general principles to compliment Mr. Fowke's integrity, he does all in his power to corrupt it. At the same time he establishes an example that must either subject all future dealings to the same pernicious clause, or which, being omitted, must become a strong implied charge on the integrity of those who shall hereafter be excluded from a trust so constituted.

It is not foreign to the object of your committee, in this

part of their observations, which relates to the obedience to orders, to remark upon the manner in which the orders of the court of directors, with regard to this kind of dealing in contracts, are observed. These orders relate to contracts; and they contain two standing regulations:—

1st. That all contracts shall be publicly advertised, and that the most reasonable proposals shall be accepted.

2dly. That two contracts, those of provisions and for carriage bullocks, shall be only annual.

These orders are, undoubtedly, some correctives to the abuses, which may arise in this very critical article of public dealing. But the house will remark, that, if the business usually carried on by contracts can be converted at pleasure into agencies, like that of Mr. Fowke, all these regulations perish of course; and there is no direction whatsoever for restraining the most prodigal and corrupt bargains for the public.

Your committee have inquired into the observance of these necessary regulations; and they find, that they have, like the rest, been entirely contemned, and contemned with entire impunity. After the period of Colonel Monson's death, and Mr. Hastings and Mr. Barwell obtained the lead in the council, the contracts were disposed of without at all advertising for proposals. Those in 1777 were given for three years; and the gentlemen in question growing, by habit and encouragement, into more boldness, in 1779 the contracts were disposed of for five years; and this they did at the eve of the expiration of their own appointment to the government. This increase in the length of the contracts, though contrary to orders, might have admitted some excuse, if it had been made, even in appearance, the means of lessening the expense. But the advantages allowed to the contractors, instead of being diminished, were enlarged, and in a manner far beyond the proportion of the enlargement of terms. Of this abuse and contempt of orders a judgment may be formed by the single contract for supplying the army

with draught and carriage bullocks. As it stood at the expiration of the contract in 1779, the expense of that service was about £1,300 a month. By the new contract, given away in September of that year, the service was raised to the enormous sum of near £6,000 a month. The monthly increase, therefore, being £4,700, it constitutes a total increase of charges for the company, in the five years of the contract, of no less a sum than £235,000. Now as the former contract was, without doubt, sufficiently advantageous, a judgment may be formed of the extravagance of the present. The terms, indeed, pass the bounds of all allowance for negligence and ignorance of office.

The case of Mr. Bellis's contract for supplying provisions to the fort is of the same description; and, what exceedingly increases the suspicion against this profusion in contracts, made in direct violation of orders, is, that they are always found to be given in favor of persons closely connected with Mr. Hastings in his family, or even in his actual service.

The principles, upon which Mr. Hastings and Mr. Barwell justify this disobedience, if admitted, reduce the company's government, so far as it regards the supreme council, to a mere patronage; to a mere power of nominating persons to, or removing them from, an authority, which is not only despotic with regard to those who are subordinate to it, but, in all its acts, entirely independent of the legal power, which is nominally superior. These are principles directly leading to the destruction of the company's government. A correspondent practice being established, (as in this case of contracts, as well as others, it has been,) the means are furnished of effecting this purpose: for the common superior, the company, having no power to regulate or to support their own appointments, nor to remove those whom they wish to remove, nor to prevent the contracts from being made use of against their interest, all the English in Bengal must naturally look to the next in authority; they must

depend upon, follow, and attach themselves to him solely. And thus a party may be formed of the whole system of civil and military servants for the support of the subordinate, and defiance of the supreme power.

Your committee being led to attend to the abuse of contracts, which are given upon principles fatal to the subordination of the service, and in defiance of orders, revert to the disobedience of orders in the case of Mahomed Reza Khân.

This transaction is of a piece with those that preceded it. On the 6th of July, 1781, Mr. Hastings announced to the board the arrival of a messenger, and introduced a requisition from the young nabob Mobarek ul Dowla, "that he might be *permitted to dispose of his own stipend, without being made to depend on the will of another.*" In favor of this requisition Mr. Hastings urged various arguments: that the nabob could no longer be deemed a minor; that he was twenty-six years of age, and father of many children; that his understanding was much improved *of late* by an attention to his education; that these circumstances gave him a claim to the uncontrolled exercise of domestic authority; and it might reasonably be supposed, that he would pay a greater regard to a just economy in his own family, than had been observed by those who were aliens to it. For these reasons Mr. Hastings recommended to the board, that Mahomed Reza Khân should be immediately divested of the office of superintendent of the nabob's household, *and that the nabob Mobarek ul Dowla should be intrusted with the exclusive and entire receipts and disbursements of his stipend, and the uncontrolled management and regulation of his household.*—Thus far your committee are of opinion, that the conclusion corresponds with the premises; for, supposing the fact to be established or admitted, that the nabob, in point of age, capacity, and judgment, was qualified to act for himself, it seems reasonable that the management of his domestic affairs should not be withheld from him. On this part of the proceeding your committee will only observe, that, if it were strictly true

that the nabob's understanding had been much improved *of late* by an attention to his education, (which seems an extraordinary way of describing the qualifications of a man of six-and-twenty, the father of many children,) the merit of such improvement must be attributed to Mahomed Reza Khân, who was the only person of rank and character connected with him, or who could be supposed to have any influence over him. Mr. Hastings himself reproaches the nabob with *raising mean men to be his companions;* and tells him plainly, *that some persons both of bad character and base origin had found the means of insinuating themselves into his company and constant fellowship.* In such society it is not likely that either the nabob's morals or his understanding could have been *much improved;* nor could it be deemed prudent to leave him without any check upon his conduct.—Mr. Hastings's opinion on this point may be collected from what he did, but by no means from what he said on the occasion.

The house will naturally expect to find that the nabob's request was granted, and that the resolution of the board was conformable to the terms of Mr. Hastings's recommendation. Yet the fact is directly the reverse. Mr. Hastings, after advising *that the nabob should be intrusted with the exclusive and entire receipts and disbursements of his stipend,* immediately corrects that advice, *being aware that so sudden and unlimited a disposal of a large revenue might at first encourage a spirit of dissipation in the nabob;* and reserves *to himself* a power of establishing, *with the nabob's consent,* such a plan for the regulation and equal distribution of the nabob's expenses, *as should be adapted to the dissimilar appearances of preserving his interests and his independence at the same time.* On the same complicated principles the subsequent resolution of the board professes to allow the nabob the management of his stipend and expenses; with *an hope,* however, (which, considering the relative situation of the parties, could be nothing less than an injunction,) that he would submit

to such a plan *as should be agreed on between him* and the governor-general.

The drift of these contradictions is sufficiently apparent. Mahomed Reza Khân was to be divested of his office at all events, and the management of the nabob's stipend committed to other hands. To accomplish the first, the nabob is said to be "now arrived at that time of life, when a man may be supposed capable, if ever, of managing his own concerns." When this principle has answered the momentary purpose for which it was produced, we find it immediately discarded, and an opposite resolution formed on an opposite principle, viz. that he shall *not* have the management of his own concerns, *in consideration of his want of experience.*

Mr. Hastings, on his arrival at Moorshedabad, gives Mr. Wheeler an account of his interview with the nabob, and of the nabob's implicit submission to his advice. The principal, if not the sole, object of the whole operation appears from the result of it. Sir John D'Oyly, a gentleman in whom Mr. Hastings places particular confidence, succeeds to the office of Mahomed Reza Khân, and to the same control over the nabob's expenses. Into the hands of this gentleman the nabob's stipend was *to be immediately paid, as every intermediate channel would be an unavoidable cause of delay;* and to *his* advice the nabob was required to give the same attention, as if it were given by Mr. Hastings himself. One of the conditions prescribed to the nabob was, that he should admit no Englishman to his presence, without previously consulting Sir John D'Oyly; *and he must forbid any person of that nation to be intruded without his introduction.* On these arrangements it need only be observed, that a measure, which sets out with professing to relieve the nabob from a state of *perpetual pupilage*, concludes with delivering not only his fortune but his person to the custody of a particular friend of Mr. Hastings.

The instructions given to the nabob contain other passages, that merit attention. In one place Mr. Hastings tells

him, "You have offered to give up the sum of four lacks of rupees to be allowed the free use of the remainder; but this we have refused." In another he says, that, "*as many matters will occur, which cannot be so easily explained by letter as by conversation*, I desire that you will, on such occasions, give your orders to Sir John D'Oyly, respecting such points as you may desire to have imparted to *me*." The offer alluded to in the first passage does not appear in the nabob's letters; therefore, must have been in conversation, and declined by Mr. Hastings without consulting his colleague. A refusal of it might have been proper; but it supposes a degree of incapacity in the nabob, not to be reconciled to the principles, on which Mahomed Reza Khân was removed from the management of his affairs.

Of the matters alluded to in the second, and which, it is said, *could not be so easily explained by letters as in conversation*, no explanation is given. Your committee will therefore leave them, as Mr. Hastings has done, to the opinion of the house.

As soon as the nabob's requisition was communicated to the board, it was moved and resolved, that Mahomed Reza Khân should be divested of his office; and the house have seen in what manner it was disposed of. The nabob had stated various complaints against him:—that he had dismissed the old established servants of the Nizamut, and filled their places with his own dependants:—that he had *regularly received* the stipend of the Nizamut from the company, yet had kept the nabob involved in debt and distress, and exposed to the clamors of his creditors; and sometimes even in want of a dinner. All these complaints were recorded at large in the proceedings of the council; but it does not appear that they were ever communicated to Mahomed Reza Khân, or that he was ever called upon, in any shape, to answer them. This circumstance inclines your committee to believe, that all of these charges were groundless; especially as it appears on the face of the proceedings, that the

chief of them were not well founded. Mr. Hastings, in his letter to Mr. Wheeler, urges the necessity of the monthly payment of the nabob's stipend *being regularly made;* and says, that, to relieve the nabob's present wants, he had directed the resident to raise an immediate supply on the credit of the company, to be repaid from the first receipts.

From hence your committee conclude that the monthly payments had *not* been regularly made; and that whatever distresses the nabob might have suffered must have been owing to the governor-general and council, not to Mahomed Reza Khân; who, for ought that appears to the contrary, paid away the stipend as fast as he received it. Had it been otherwise, that is, if Mahomed Reza Khân had reserved a balance of the nabob's money in his hand, he should, and undoubtedly he would, have been called upon to pay it in; and then there would have been no necessity for raising an immediate supply by other means.

The transaction, on the whole, speaks very sufficiently for itself. It is a gross instance of repeated disobedience to repeated orders; and it is rendered particularly offensive to the authority of the court of directors by the frivolous and contradictory reasons assigned for it. But, whether the nabob's requisition was reasonable or not, the governor-general and council were precluded by a special instruction from complying with it. The directors, in their letter of the 14th of February, 1779, declare, that a resolution of council, (taken by Mr. Francis and Mr. Wheeler, in the absence of Mr. Barwell,) viz. "that the nabob's letter should be referred to *them* for *their* decision; and that no resolution should be taken in Bengal, on his requisitions, without their special orders and instructions," was very proper. They prudently reserved to themselves the right of deciding on such questions; but they reserved it to no purpose. In England the authority is purely formal. In Bengal the power is positive and real. When they clash, their opposition serves only to degrade the authority that ought to predominate, and to exalt the power that ought to be dependent.

Since the closing of the above report, many material papers have arrived from India, and have been laid before your committee: that, which they think it most immediately necessary to annex to the Appendix to this report, is the resolution of the council general to allow to the members of the board of trade, resident in Calcutta, a charge of five per cent. on the sale in England of the investment formed upon their second plan, namely, that plan which had been communicated to lord Macartney. The investment on this plan is stated to be raised from £800,000 to £1,000,000 sterling.

It is on all accounts a very memorable transaction, and tends to bring on a heavy burden, operating in the nature of a tax, laid by their own authority on the goods of their masters in England. If such a compensation to the board of trade was necessary, on account of their engagement to take no further (that is to say, no unlawful) emolument, it implies, that the practice of making such unlawful emolument had formerly existed; and your committee think it very extraordinary, that the first notice the company had received of such a practice should be, in taxing them for a compensation for a partial abolition of it, secured on the parole of honor of those very persons who are supposed to have been guilty of this unjustifiable conduct. Your committee consider this engagement, if kept, as only a partial abolition of the implied corrupt practice, because no part of the compensation is given to the members of the board of trade, who reside at the several factories, though their means of abuse are without all comparison greater; and if the corruption was supposed so extensive as to be bought off at that price where the means were fewer, the house will judge how far the tax has purchased off the evil.

ELEVENTH REPORT

From the Select Committee (of the House of Commons) appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.—(1783.)

Your committee, in the course of their inquiry into the obedience yielded by the company's servants to the orders of the court of directors, (the authority of which orders had been strengthened by the regulating act of 1773,) could not overlook one of the most essential objects of that act, and of those orders, namely, the taking of *gifts and presents*. These pretended free gifts from the natives to the company's servants in power had never been authorized by law; they are contrary to the covenants formally entered into by the president and council; they are strictly forbidden by the act of parliament; and forbidden upon grounds of the most substantial policy.

Before the regulating act of 1773, the allowances made by the company, to the presidents of Bengal, were abundantly sufficient to guaranty them against any thing like a necessity for giving in to that pernicious practice. The act of parliament, which appointed a governor-general in the place of a president, as it was extremely particular in enforcing the prohibition of those presents, so it was equally careful in

making an ample provision for supporting the dignity of the office, in order to remove all excuse for a corrupt increase of its emoluments.

Although evidence on record, as well as verbal testimony, has appeared before your committee, of presents to a large amount having been received by Mr. Hastings and others, before the year 1775, they were not able to find distinct traces of that practice in him, or any one else, for a few years.

The inquiry set on foot in Bengal, by order of the court of directors, in 1775, with regard to all corrupt practices, and the vigor with which they were for some time pursued, might have given a temporary check to the receipt of presents, or might have produced a more effectual concealment of them; and afterwards the calamities, which befell almost all who were concerned in the first discoveries, did probably prevent any further complaint upon the subject; but, towards the close of the last session, your committee have received much of new and alarming information concerning that abuse.

The first traces appeared, though faintly and obscurely, in a letter to the court of directors from the governor-general, Mr. Hastings, written on the 29th of November, 1780.* It has been stated, in a former report of your committee, that, on the 26th of June, 1780, Mr. Hastings, being very earnest in the prosecution of a particular operation in the Mahratta war, in order to remove objections to that measure, which were made on account of the expense of the contingencies, offered to *exonerate* the company from that "charge." Continuing his minute of council, he says: "That sum (a sum of about £23,000) I have already deposited, within a small amount, in the hands of the sub-treasurers, and I *beg* that the board will *permit* it to be accepted for that service." Here he offers in his own per-

* Appendix, B. No. 1. Vide supplement to the 2d report, page 7.

son; he deposits, or pretends that he deposits, in his own person; and, with the zeal of a man eager to pledge his private fortune in support of his measures, he prays that his offer may be accepted. Not the least hint that he was delivering back to the company money of their own, which he had secreted from them. Indeed, no man ever made it a request, much less earnestly intreated, "begged to be permitted," to pay to any persons, public or private, money that was their own.

It appeared to your committee, that the money offered for that service, which was to forward the operations of a detachment under Colonel Camac, in an expedition against one of the Mahratta chiefs, was not accepted. And your committee, having directed search to be made for any sums of money paid into the treasury by Mr. Hastings for this service, found, that, notwithstanding his assertion of having deposited "two lacks of rupees, or within a trifle of that sum, in the hands of the sub-treasurer," no entry whatsoever of that or any other payment by the governor-general, was made in the treasury accounts, at or about that time.* This circumstance appeared very striking to your committee, as the non-appearance in the company's books of the article in question must be owing to one or other of these four causes: that the assertion of Mr. Hastings, of his having paid in near two lacks of rupees at that time, was not true; or that the sub-treasurer may receive great sums in deposit, without entering them in the company's treasury accounts; or that the treasury books themselves are records not to be depended on; or, lastly, that faithful copies of these books of accounts are not transmitted to Europe. The defect of an entry, corresponding with Mr. Hastings's declaration in council, can be attributed only to one of these four causes; of which the want of foundation in his recorded assertion, though very blamable, is the least alarming.

* Appendix, B. No. 2.

On the 29th of November following, Mr. Hastings communicated to the court of directors some sort of notice of this transaction.* In his letter of that date he varies, in no small degree, the aspect, under which the business appeared in his minute of consultation of the 26th of June. In his letter he says to the directors, "the subject is now become obsolete; the fair hopes, which I had built upon the prosecution of the Mahratta war, have been blasted by the dreadful calamities which have befallen your presidency of fort St. George; and changed the object of our pursuit, from the *aggrandizement* of your power to its preservation." After thus confessing, or rather boasting of, his motives to the Mahratta war, he proceeds: "My present reason for reverting to my own conduct on the occasion which I have mentioned" (namely, his offering a sum of money for the company's service) "is to obviate *the false conclusions, or purposed misrepresentations*, which may be made of it, either as an artifice of *ostentation*, or the effect of *corrupt influence*, by assuring you that the money, *by whatever means it came into my possession, was not my own;* that I had myself *no right* to it, nor would or could have received it but for the occasion, which prompted me to avail myself *of the accidental means*, which were at that instant afforded me, of accepting and converting it to the property and use of the company; and with this brief apology I shall dismiss the subject."

The apology is brief indeed, considering the nature of the transaction; and, what is more material than its length or its shortness, it is in all points unsatisfactory. The matter becomes, if possible, more obscure by his explanation. Here was money received by Mr. Hastings, which, according to his own judgment, he had no right to receive; it was money which, "(but for the occasion which prompted him,) he could not have accepted;" it was money which came into

* Vide Appendix, B. No. 1.

his, and from his into the company's hands, by ways and means undescribed, and from persons unnamed; yet, though apprehensive of false conclusions, and purposed misrepresentations, he gives his employers no insight whatsoever into a matter, which, of all others, stood in the greatest need of a full and clear elucidation.

Although he chooses to omit this essential point, he expresses the most anxious solicitude to clear himself of the charges, that might be made against him, of the artifices of ostentation, and of corrupt influence. To discover, if possible, the ground for apprehending such imputations, your committee adverted to the circumstances in which he stood at the time:—they found that this letter was despatched about the time that Mr. Francis took his passage for England; his fear of misrepresentation may therefore allude to something which passed in conversation between him and that gentleman at the time the offer was made.

It was not easy, on the mere face of his offer, to give an ill turn to it. The act, as it stands on the minute, is not only disinterested, but generous, and public-spirited. If Mr. Hastings apprehended misrepresentation from Mr. Francis, or from any other person, your committee conceive that he did not employ proper means for defeating the ill designs of his adversaries. On the contrary, the course he has taken, in his letter to the court of directors, is calculated to excite doubts and suspicions in minds the most favorably disposed to him. Some degree of ostentation is not extremely blamable, at a time when a man advances largely from his private fortune towards the public service. It is human infirmity at the worst, and only detracts something from the lustre of an action in itself meritorious. The kind of ostentation which is criminal, and criminal only because it is fraudulent, is where a person makes a show of giving, when in reality he does not give. This imposition is criminal more or less according to the circumstances. But if the money, received to furnish such a pretended gift, is taken

from any third person, without right to take it, a new guilt, and guilt of a much worse quality and description, is incurred. The governor-general, in order to keep clear of ostentation, on the 29th of November, 1780, declares that the sum of money which he offered on the 26th of the preceding June, as his own, was not his own, and that he had no right to it. Clearing himself of vanity, he convicts himself of deceit, and of injustice.

The other object of this brief apology was to clear himself of *corrupt influence.* Of all ostentation he stands completely acquitted in the month of November, however he might have been faulty in that respect in the month of June: but, with regard to the other part of the apprehended charge, namely, *corrupt influence*, he gives no satisfactory solution—a great sum of money, "not his own"—money, to which "he had no right"—money, which came into his possession "by whatever means:"—if this be not money obtained by corrupt influence, or by something worse, that is, by violence or terror, it will be difficult to fix upon circumstances which can furnish a presumption of unjustifiable use of power and influence in the acquisition of profit. The last part of the apology—that he had converted this money ("which he had no right to receive") to the company's use, (so far as your committee can discover,) *does no where appear.* He speaks, in the minute of the 26th of June, as having *then* actually deposited it for the company's service. In the letter of November, he says, that he converted it to the company's property: but there is no trace, in the company's books, of its being ever brought to their credit in the expenditure for any specific service, even if any such entry and expenditure could justify him in taking money, which he had, by his own confession, "no right to receive."

The directors appear to have been deceived by this representation; and, in their letter of January, 1782, consider the money as actually paid into their treasury.* Even under

* Appendix, B. No. 7.

their error concerning the application of the money, they appear rather alarmed than satisfied with the brief apology of the governor-general. They consider the whole proceeding as *extraordinary and mysterious*. They, however, do not condemn it with any remarkable asperity; after admitting that he might be induced to a temporary secrecy, *respecting the members of the board*, from a fear of their resisting the proposed application, or any application of this money to the company's use; yet they write to the governor-general and council as follows:—"It does not appear to us, that there could be any real necessity for delaying to communicate to *us* immediate information of the *channel* by which the money came into Mr. Hastings's possession, with a complete illustration of the cause or causes of so *extraordinary* an event." And again: "the means proposed of defraying the extra expenses are very extraordinary; and the money, we conceive, must have come into his hands by an *unusual* channel; and, when more complete information comes before us, we shall give our sentiments fully on the transaction." And, speaking of this and other moneys under a similar description, they say, "we shall suspend our judgment, without approving it in the least degree, or proceeding to censure our governor-general for this transaction." The expectations, entertained by the directors, of a more complete explanation were natural, and their expression tender and temperate. But the more complete information, which they naturally expected, they never have to this day received.

Mr. Hastings wrote two more letters to the secret committee of the court of directors, in which he mentions this transaction.* The first, dated (as he asserts, and a Mr. Larkins swears) on the 22d of May, 1782; the last which accompanied it, so late as the 16th of December in the same year. Though so long an interval lay between the transac-

* Appendix, B. No. 3, and No. 5.

tion of the 26th of June, 1780, and the middle of December, 1782,* (upwards of two years,) no further satisfaction is given. He has written, since the receipt of the above letter of the court of directors, (which demanded, what they had a right to demand, a clear explanation of the particulars of this sum of money, which he had no right to receive,) without giving them any further satisfaction. Instead of explanation or apology, he assumes a tone of complaint and reproach to the directors.—He lays before them a kind of an account of presents received, to the amount of upwards of £200,000, some at a considerable distance of time, and which had not been hitherto communicated to the company.

In the letter, which accompanied that very extraordinary account, which then for the first time appeared, he discovers no small solicitude to clear himself from the imputation of having these discoveries drawn from him by the terrors of the parliamentary inquiries then on foot. To remove all suspicion of such a motive for making these discoveries, Mr. Larkins swears, in an affidavit made before Mr. Justice Hyde, bearing even date with the letter which accompanies the account, that is, of the 16th of December, 1782, that this letter had been written by him on the 22d of May, several months before it was despatched. It appears that Mr. Larkins,† who makes this voluntary affidavit, is neither secretary to the board, nor Mr. Hastings's private secretary, but an officer of the treasury of Bengal.

Mr. Hastings was conscious that a question would inevitably arise, how he came to delay the sending intelligence of so very interesting a nature, from May to December? He therefore thinks it necessary to account for so suspicious a circumstance. He tells the directors "that the despatch of the Lively having been protracted from time to time, the accompanying address, which was originally designed and prepared for that despatch, *and no other since occurring*, has, of course, been thus long delayed."

* Appendix, B. No. 6. † Vide Larkins's Affidavit, Appendix, B. No. 5.

The governor-general's letter is dated the 22d May, and the Resolution was the last ship of the season despatched for Europe. The public letters to the directors are dated the 9th May; but it appears, by the letter of the commander of the ship, that he did not receive his despatches from Mr. Lloyd, then at Kedjeree, until the 26th May; and also, that the pilot was not discharged from the ship until the 11th of June. Some of these presents (now for the first time acknowledged) had been received eighteen months preceding the date of this letter; none less than four months; so that, in fact, he might have sent this account by all the ships of that season; but the governor-general chose to write this letter thirteen days after the determination in council for the despatch of the last ship.

It does not appear that he has given any communication whatsoever to his colleagues in office of those extraordinary transactions. Nothing appears on the records of the council of the receipt of the presents; nor is the transmission of this account mentioned in the general letter to the court of directors, but in a letter from himself to their secret committee, consisting generally of two persons, but at most of three. It is to be observed that the governor-general states, "that the despatch of the Lively had been protracted from time to time; that this delay was of no public consequence; but that it produced a situation, which, with respect to himself, he regarded as unfortunate, because it exposed him to the meanest imputations, from the occasion which the late parliamentary inquiries have since furnished; but which were unknown when his letter was written." If the governor-general thought his silence exposed him to the *meanest imputations*, he had the means in his own power of avoiding those imputations; he might have sent this letter, dated the 22d May, by the Resolution. For we find, that in a letter from Captain Poynting, of the 26th May, he states it not possible for him to proceed to sea with the smallest degree of safety, without a supply of anchors and cables; and most

earnestly requests they may be supplied from Calcutta; and, on the 28th May, we find a minute from the secretary of the council, Mr. Auriol, requesting an order of council to the master-attendant to furnish a sloop to carry down those cables; which order was accordingly issued on the 30th May. There requires no other proof to show that the governor-general had the means of sending this letter seven days after he wrote it, instead of delaying it for near seven months; and because no conveyance had offered. Your committee must also remark, that the conveyance by land to Madras was certain; and, whilst such important operations were carrying on both by sea and land upon the coast, that despatches would be sent to the admiralty, or to the company, was highly probable.

If the letter of the 22d May had been found in the list of packets sent by the Resolution, the governor-general would have established, in a satisfactory manner, and far beyond the effect of any affidavit, that the letter had been written at the time of the date. It appears that the Resolution, being on her voyage to England, met with so severe a gale of wind as to be obliged to put back to Bengal, and to unload her cargo. This event makes no difference in the state of the transaction. Whatever the cause of these new discoveries might have been, at the time of sending them, the fact of the parliamentary inquiry was publicly known.

In the letter of the above date Mr. Hastings laments the mortification of being reduced to take precautions "to guard his reputation from dishonor."—"If I had (says he) *at any time* possessed that degree of confidence from my *immediate* employers, which they have never withheld from the *meanest* of my predecessors, I should have disdained to use these attentions."

Who the *meanest* of Mr. Hastings's predecessors were, does not appear to your committee: nor are they able to discern the ground of propriety or decency for his assuming to himself a right to call any of them mean persons. But if such

mean persons have possessed that degree of confidence from his immediate employers, which for so many years he had not possessed "*at any time*," inferences must be drawn from thence very unfavorable to one or the other of the parties, or perhaps to both. The attentions, which he practises and disdains, can in this case be of no service to himself, his employers, or the public; the only attention at all effectual towards extenuating, or in some degree atoning for, the guilt of having taken money from individuals illegally, was, to be full and fair in his confession of all the particulars of his offence. This might not obtain that confidence, which at no time he has enjoyed; but still the company and the nation might derive essential benefit from it: the directors might be able to afford redress to the sufferers; and, by his laying open the concealed channels of abuse, means might be furnished for the better discovery, and possibly for the prevention, or at least for the restraint, of a practice of the most dangerous nature; a practice, of which the mere prohibition, without the means of detection, must ever prove, as hitherto it had proved, altogether frivolous.

Your committee, considering that so long a time had elapsed without any of that information which the directors expected, and perceiving that this receipt of sums of money, under color of gift, seemed a growing evil, ordered the attendance of Mr. Hastings's agent, Major Scott. They had found, on former occasions, that this gentleman was furnished with much more early and more complete intelligence of the company's affairs in India than was thought proper for the court of directors; they, therefore, examined him concerning every particular sum of money, the receipt of which Mr. Hastings had confessed in his account. It was to their surprise that Mr. Scott professed himself perfectly uninstructed upon almost every part of the subject, though the express object of his mission to England was to clear up such matters as might be objected to Mr. Hastings; and for that purpose he had early qualified himself by the production to your

committee of his powers of agency. The ignorance, in which Mr. Hastings had left his agent, was the more striking, because he must have been morally certain, that, if his conduct in these points should have escaped animadversion from the court of directors, it must become an object of parliamentary inquiry; for, in his letter of the 15th of December, 1782, to the court of directors, he expressly mentions his fears, that those parliamentary inquiries might be thought to have extorted from him the confessions which he had made.

Your committee, however, entering on a more strict examination concerning the two lacks of rupees, which Mr. Hastings declares he had no right to take, but had taken, from some person then unknown, Major Scott recollected that Mr. Hastings had, in a letter of the 7th December, 1782, (in which he refers to some former letter,) acquainted him with the name of the person, from whom he had received those two lacks of rupees, mentioned in the minute of June, 1780. It turned out to be the rajah of Benares, the unfortunate Cheyt Sing.

In the single instance, in which Mr. Scott seemed to possess intelligence in this matter, he is preferred to the court of directors. Under their censure as Mr. Hastings was, and as he felt himself to be, for not informing them of the channel in which he received that money, he perseveres obstinately and contemptuously to conceal it from them; though he thought fit to intrust his agent with the secret.

Your committee were extremely struck with this intelligence. They were totally unacquainted with it, when they presented to the house the supplement to their second report on the affairs of Cheyt Sing. A gift received by Mr. Hastings from the rajah of Benares gave rise, in their minds, to serious reflections on the condition of the princes of India subjected to the British authority. Mr. Hastings was, at the very time of receiving this gift, in the course of making, on the rajah of Benares, a series of demands, unfounded and

unjustifiable, and constantly growing, in proportion as they were submitted to. To these demands the rajah of Benares, besides his objections in point of right, constantly set up a plea of poverty. Presents from persons who hold up poverty as a shield against extortion can scarcely, in any case, be considered as gratuitous, whether the plea of poverty be true or false. In this case the presents might have been bestowed, if not with an assurance, at least with a rational hope, of some mitigation in the oppressive requisitions that were made by Mr. Hastings; for, to give much voluntarily, when it is known that much will be taken away forcibly, is a thing absurd and impossible. On the other hand, the acceptance of that gift by Mr. Hastings must have pledged a tacit faith for some degree of indulgence towards the donor; if it was a free gift, gratitude, if it was a bargain, justice obliged him to it. If, on the other hand, Mr. Hastings originally destined (as he says he did) this money, given to himself secretly, and for his private emolument, to the use of the company, the company's favor, to whom he acted as trustee, ought to have been purchased by it. In honor and justice he bound and pledged himself for that power, which was to profit by the gift, and to profit, too, in the success of an expedition which Mr. Hastings thought so necessary to their aggrandizement. The unhappy man found his money accepted, but no favor acquired on the part either of the company or of Mr. Hastings.

Your committee have, in another report, stated to the house, that Mr. Hastings attributed the extremity of distress, which the detachments under Colonel Camac had suffered, and the great desertions which ensued on that expedition, to the want of punctuality of the rajah in making payment of one of the sums which had been extorted from him; and this want of punctual payment was afterwards assigned as a principal reason for the ruin of this prince. Your committee have shown to the house, by a comparison of facts and dates, that this charge is wholly without foundation. But, if the

cause of Colonel Camac's failure had been true as to the sum, which was the object of the public demand, the failure could not be attributed to the rajah, when he had, on the *instant*, privately furnished at least £23,000 to Mr. Hastings; that is, furnished the identical money which he tells us (but carefully concealing the name of the giver) he had from the beginning destined, as he afterwards publicly offered, for this very expedition of Colonel Camac's. The complication of fraud and cruelty in the transaction admits of few parallels. Mr. Hastings, at the council board of Bengal, displays himself as a zealous servant of the company, bountifully giving from his own fortune; and in his letter to the directors (as he says himself)* as going out of the ordinary roads for their advantage; and all this on the credit of supplies, derived from the gift of a man whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the company's cause and interests.

With £23,000 of the rajah's money in his pocket, he persecutes him to his destruction; assigning for a reason, that his reliance on the rajah's faith, and his breach of it, were the principal causes that *no other* provision was made for the detachment, on the specific expedition to which the rajah's specific money was to be applied; the rajah had given it to be disposed of by Mr. Hastings; and if it was not disposed of in the best manner for the accomplishing his objects, the accuser himself is the criminal.

To take money for the forbearance of a just demand would have been corrupt only: but to urge unjust public demands; to accept private pecuniary favors in the course of those demands; and, on the pretence of delay or refusal, without mercy to prosecute a benefactor; to refuse to hear his remonstrances; to arrest him in his capital, in his palace, in the face of all the people;—thus to give occasion to an insurrection, and, on pretext of that insurrection, to refuse all treaty

* Vide Appendix B. No. 1.

or explanation; to drive him from his government and his country; to proscribe him in a general amnesty; and to send him all over India, a fugitive, to publish the shame of British government in all the nations to whom he successively fled for refuge: these are proceedings to which, for the honor of human nature, it is hoped few parallels are to be found in history; and in which the illegality and corruption of the acts form the smallest part of the mischief.

Such is the account of the first sum *confessed* to be taken as a present by Mr. Hastings, since the year 1775; and such are its consequences. Mr. Hastings apologizes for this action by declaring, "that he would not have received the money but for the *occasion*, which prompted him to avail himself of the accidental means, which were at that instant afforded him, of accepting and converting it to the use of the company."* By this account he considers the act as excusable only by the particular occasion, by the temptation of accidental means, and by the suggestion of the *instant*. How far this is the case appears by the very next paragraph of this letter, in which the account is given, and in which the apology is made. If these were his opinions in June, 1780, they lasted but a very short time: his accidental means appear to be growing habitual.

To point out, in a clear manner, the spirit of the second money transaction to which your committee adverted, which is represented by Mr. Hastings as having some "affinity with the former *anecdote*,"† (for in this light kind of phrase he chooses to express himself to his masters,) your committee think it necessary to state to the house that the business, namely, this business, which was the second object of their inquiry, appears in three different papers, and in three different lights. On comparing these authorities, in every one of which Mr. Hastings is himself the voucher, if one of the three be true, the other two must necessarily be false.

* Vide Appendix B. No. 1.

† Vide Appendix B. No. 1.

These three authorities,* which your committee has accurately compared, are, first, his minutes on the consultations; secondly, his letter to the court of directors, on the 29th of November, 1780; thirdly, his account, transmitted on the 16th of December, 1782.

About eight months after the first transaction† relative to Cheyt Sing, and which is just reported, that is, on the 5th of January, 1781, Mr. Hastings produced a demand to the council for money of his own, expended for the company's service.

Here was no occasion for secrecy. Mr. Francis was on his passage to Europe; Mr. Wheeler was alone left, who no longer dissented from any thing; Mr. Hastings was in effect himself the whole council. He declared that *he* had disbursed three lacks of rupees, that is, £34,500, in secret services; which having (he says) "been advanced from *my own private cash*, I request that the same may be repaid to me in the following manner:"—he accordingly desires three bonds, for a lack of sicca rupees each, to be given to him in two of the company's subscriptions; one to bear interest on the eight per cent. loan, theot her two in the four per cent. The bonds were ante-dated to the beginning of the preceding October.

On the 9th of the same month,‡ that is, on the 9th of January, 1781, the three bonds were accordingly ordered: so far the whole transaction appears clear, and of a piece. Private money is subscribed, and a public security is taken for it. When the company's treasury accounts are compared with the proceedings of their council general, a perfect correspondence also appears.§ The three bonds are then entered to Mr. Hastings, and he is credited for principal and interest on them, in the exact terms of the order. So far the official accounts; which, because of their perfect harmony,

* Appendix B. No. 8. Appendix B. No. 1. Appendix B. No. 4.
† Appendix B. No. 8.
‡ Appendix B. No. 8.
§ Appendix B. No. 9.

are considered as clear and consistent evidence to one body of fact.

The second sort of document,* relative to these bonds, (though the first in order of time,) is Mr. Hastings's letter of the 29th of November, 1780. It is written between the time of the expenditure of the money for the company's use, and the taking of the bonds. Here, for the first time, a very material difference appears; and the difference is the more striking, because Mr. Hastings claimed the *whole* money as his own, and took bonds for it as such, *after* this representation. The letter to the company discovers that part of the money (the whole of which he had declared on record to be his own, and for which he had taken bonds) was not his, but the property of his masters, from whom he had taken the security. It is no less remarkable, that the letter, which represents the money as belonging to the company, was written about six weeks before the minute of council in which he claims that money as his own. It is this letter on which your committee is to remark.

Mr. Hastings, after giving his reasons† for the application of the three lacks of rupees, and for his having for some time concealed the fact, says, "two thirds of that sum I have raised *by my own credit*, and shall charge it in my official account; *the other third* I have supplied from the cash in my hand, belonging to that honorable company."

The house will observe that, in November, he tells the directors that he shall charge only *two-thirds* in his official accounts: in the following January he charges the whole.‡ For the other third (although he admitted that to belong to the company) we have seen that he takes a bond to *himself*.

It is material that he tells the company, in his letter, that these two lacks of rupees were *raised on his credit*. His

* Appendix B. No. 1. † Vide Appendix B. No. 1.
‡ Vide Appendix B. No. 8.

letter to the council says that they were advanced from his private *cash*. What he raises on his credit may, on a fair construction, be considered as his own: but in this, too, he fails; for it is certain he has never transferred these bonds to any creditor; nor has he stated any sum he has paid, or for which he stands indebted, on that account, to any specific person. Indeed, it was out of his power; for the first two-thirds of the money, which he formerly stated as raised upon his own credit, he now confesses to have been from the beginning the company's property; and therefore could not have been raised on his private credit, or borrowed from any person whatsoever.

To these two accounts,* thus essentially varying, he has added a third, varying at least as essentially from both. In his last or third account, which is a statement of all the sums he has received in an extraordinary manner, and confessed to be the company's property, he reverses the items of his first account, and, instead of allowing the company but one-third, and claiming two-thirds for himself, he enters two of the bonds,† each for a lack of rupees, as belonging to the company: of the third bond, which appears so distinctly in the consultations, and in the treasury accounts, not one word is said: £10,000 is absorbed, sinks, and disappears at once; and no explanation whatever, concerning it, is given. Mr. Hastings seems not yet to have decided to whose account it ought to be placed. In this manner his debt to the company, or the company to him, is just what he thinks fit. In a single article he has varied three times. In one account he states the whole to be his own; in another he claims two-thirds; in the last he gives up the claim of the two-thirds, and says nothing of the remaining portion.

To make amends, however, for the suppression of this

* Appendix B. No. 4. The governor-general's account of moneys received, dated 22d May, 1782.

† Also Appendix B. No. 9. The auditor's account of bonds granted to the governor-general.

third bond, given with the two others in January, 1781, and antedated to the beginning of October, Mr. Hastings, in the above-mentioned general account,* subjoined to his letter of the 22d May, 1782, has brought to the company's credit a new bond.

This bond is for £17,000. It was taken from the company (and so it appears on their treasury accounts) on the 23d of November, 1780. He took no notice of this, when, in January following, he called upon his own council for the three others. What is more extraordinary, he was equally silent with regard to it, when, only six days after its date, he wrote concerning the subject of the three other bonds to the court of directors: yet now it comes out, that that bond also was taken by Mr. Hastings from the company for money, which he declares he had received on the company's account; and that he entered himself as creditor, when he ought to have made himself debtor.

Your committee examined Major Scott concerning this money, which Mr. Hastings must have obtained in some clandestine and irregular mode; but they could obtain no information of the persons from whom it was taken, nor of the occasion or pretence for taking this large sum; nor does any order of council appear for its application to any service. The whole of the transaction (whatsoever it was) relative to this bond is covered with the thickest obscurity.

Mr. Hastings,† to palliate the blame of his conduct, declares that he has not received any interest on these bonds; and that he has endorsed them as not belonging to himself, but to the company. As to the first part of this allegation, whether he received the interest, or let it remain in arrear, is a matter of indifference, as he entitled himself to it; and, so far as the legal security he has taken goes, he may, whenever he pleases, dispose both of principal and interest. What

* Vide Appendix B. No. 4.

† Vide Mr. Hastings's account, in Appendix B. No. 4.

he has endorsed on the bonds, or when he made the endorsement, or whether in fact he has made it at all, are matters known only to himself; for the bonds must be in his possession, and are no where by him stated to be given up or cancelled; which is a thing very remarkable, when he confesses that he had no right to receive them.

These bonds make but a part of the account * of private receipts of money by Mr. Hastings, formerly paid into the treasury as his own property, and now allowed not to be so. This account brings into view other very remarkable matters of a similar nature and description.

In the public records,† a sum of not less than £23,871 is set to his credit as a *deposit* for his private account, paid in by him into the treasury in gold, and coined at the company's mint. This appears, in the account furnished to the directors, under the date of May, 1782,‡ not to be lawfully his money, and he therefore transfers it to the company's credit: it still remains as a deposit.

That the house may be apprized of the nature of this article of deposit, it may not be improper to state, that the company receive into their treasury the cash of private persons, placed there as in a bank. On this no interest is paid, and the party depositing has a right to receive it upon demand. Under this head of account, no public money is ever entered. Mr. Hastings, neither at making the deposit as his own, nor at the time of his disclosure of the real proprietor, (which he makes to be the company,) has given any information of the persons from whom this money had been received. Mr. Scott was applied to by your committee, but could not give any more satisfaction in this particular than in those relative to the bonds.

The title of the account of the 22d May purports, not only that those sums were paid into the company's treasury by

* Vide Mr. Hastings's account, dated 22d May, 1782, in Appendix B. No. 4.

† Vide above Appendix, and B. No. 2.

‡ Vide above Appendix.

Mr. Hastings's order, but that they were applied to the company's service. No service is specified, directly or by any reference, to which this great sum of money has been applied.

Two extraordinary articles follow this, in the May account,* amounting to about £29,000. These articles are called receipts of Durbar charges. The general head for Durbar charges, made by persons in office, when analyzed into the particulars, contains various expenses, including bounties and presents made by government, chiefly in the foreign department: but in the last account he confesses that this sum also is not his, but the company's property: but, as in all the rest, so in this, he carefully conceals the means by which he acquired the money, the time of his taking it, and the persons from whom it was taken. This is the more extraordinary, because, in looking over the journals and ledgers of the treasury, the presents received and carried to the account of the company (which were generally small and complimental) were precisely entered, with the name of the giver.

Your committee, on turning to the account of Durbar charges, in the ledger of that month, find the sum as stated in the account of May 22d, to be indeed paid in; but there is no specific application whatsoever entered.

The account of the whole money thus clandestinely received, as stated on the 22d of May, 1782, (and for a great part of which, Mr. Hastings to that time took credit for, and for the rest has accounted in an extraordinary manner as his own) amounts, in the whole, to upwards of £93,000 sterling: a vast sum to be so obtained, and so loosely accounted for!— If the money taken from the rajah of Benares be added (as it ought) it will raise the sum to upwards of £116,000. If the £11,600 bond in October be added, it will be upwards of £128,000 received in a secret manner by Mr. Hastings,

* Vide Appendix B. No. 4.

in about one year and five months. To all these he adds another sum of £100,000, received as a present from the soubah of Oude. Total, upwards of £228,000.

Your committee find, that this last is the only sum the giver of which Mr. Hastings has thought proper to declare. It is to be observed, that he did not receive this £100,000 in money, but in bills on a great native money dealer, resident at Benares, and who has also an house at Calcutta; he is called Gopâl Dâs. The negotiation of these bills tended to make a discovery not so difficult as it would have been in other cases. With regard to the application of this last sum of money, which is said to be carried to the Durbar charges of April, 1782, your committee are not enabled to make any observations on it, as the account of that period has not yet arrived.

Your committee have, in another report, remarked fully upon most of the circumstances of this extraordinary transaction. Here they only bring so much of these circumstances again into view, as may serve to throw light upon the true nature of the sums of money taken by British subjects in power, under the name of *presents;* and to show how far they are entitled to that description in any sense, which can fairly imply, in the pretended donors, either willingness or ability to give. The condition of the bountiful parties, who are not yet discovered, may be conjectured from the state of those who have been made known; as far as that state any where appears, their generosity is found in proportion, not to the opulence they possess, or to the favors they receive, but to the indigence they feel, and the insults they are exposed to. The house will particularly attend to the situation of the principal giver, the soubah of Oude.

"When the knife (says he) had penetrated to the bone, and I was surrounded with heavy distresses, that I could no longer live in expectations, I wrote you an account of my difficulties.

"The answer which I have received to it, is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined.—As I am resolved to *obey* your orders, and directions of the council, without any delay, as long as I live, I have, agreeable to those *orders*, delivered up *all my private papers* to him, (the resident,) that when he shall have examined my receipts and expenses, *he may take whatever remains.* As I know it to be my duty to satisfy you, the company and council, I have not failed to *obey* in any instance; but requested of him that it might be done so as not to *distress me in my necessary expenses;* there being no other funds but those for the expenses of my mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being *remediless*, I was obliged to comply with what he required. He has accordingly *stopped the pensions of my old servants for thirty years, whether sepoys, mutseddies, or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.* I had raised 1,300 horse, and three battalions of sepoys, to attend upon me; but as I have no resources to support them, I have been obliged to remove the people stationed in the mahals [districts], and to send his people [the resident's people] into the mahals; so that I have not now one single servant about me. Should I mention to what further difficulties I have been reduced, it would lay me open to contempt."

In other parts of this long remonstrance, as well as in other remonstrances no less serious, he says "that it is difficult for him to save himself alive; that, in all his affairs, *Mr. Hastings had given full powers to the gentlemen here,* (meaning the English resident and assistants,) *who have done whatever they chose, and still continue to do it.* I never expected that

you would have brought me into such apprehension, and into so weak a state, without *writing to me on any one of those subjects*, since I have not the smallest connection with any body, except yourself. I am in such distress, both day and night, that I see not the smallest prospect of deliverance from it, since you are so displeased with me *as not to honor me with a single letter.*"

In another remonstrance he thus expresses himself:

"The affairs of this world are unstable, and soon pass away; it would, therefore, be incumbent on the *English* gentlemen to show *some* friendship for me in my *necessities.* I, who have always exerted my very life in the service of the English, *assigned over to them all the resources left in my country*, stopped my very household expenses, together with the jaghires of my servants and dependants, to the amount of 98,98,375 rupees. Besides this, as to the jaghires of my grandmother, mother, and uncle, which were granted to them for their support, *agreeable to engagements*, you are the *masters;* if the council have sent orders for the stopping their jaghires also, stop them. I have no resources left in my country, and have no friends by me, being even distressed in my daily subsistence. I have some elephants, horses, and the houses which I inhabit; if they can be of any service to my friends, they are ready. Whenever you can discover any resources, seize upon them; I shall not interfere to prevent you. In my present distress for my daily expenses, I was in hopes that they would have excused some part of my debt. Of what use is it for me to relate my situation, which is known to the whole world? This much is sufficient."

The truth of all these representations is no where contested by Mr. Hastings. It is indeed admitted in something stronger than words; for, upon account of the nabob's condition, and the no less distressed condition of his dominions, he thought it fit to withdraw from him and them a large body of the company's troops, together with all the English of a civil

description, who were found no less burthensome than the military. This was done on the declared inability of the country any longer to support them; a country not much inferior to England in extent and fertility; and, till lately at least, its equal in population and culture.

It was to a prince, in a state so far remote from freedom, authority, and opulence, so penetrated with the treatment he had received, and the behavior he had met with from Mr. Hastings, that Mr. Hastings has chosen to attribute a disposition so very generous and munificent as, of his own free grace and mere motion, to make him a present, at one donation, of upwards of £100,000 sterling. This vast private donation was given at the moment of vast instant demands, severely exacted on account of the company, and accumulated on immense debts to the same body; and all taken from a ruined prince and almost desolated territory.

Mr. Hastings has had the firmness, with all possible ease and apparent unconcern, to request permission from the directors to legalize this forbidden present for his own use. This he has had the courage to do, at a time when he had abundant reason to look for, what he has since received, their censure for many material parts of his conduct towards the people from whose wasted substance this pretended free gift was drawn. He does not pretend that he has reason to expect the smallest degree of partiality, in this or any other point, from the court of directors. For, besides his complaint first stated of having never possessed their confidence, in a late letter* (in which, notwithstanding the censures of parliament, he magnifies his own conduct) he says that in all the long period of his service "he has almost unremittedly wanted the support which all his predecessors had enjoyed from their constituents. From mine," says he, "I have received *nothing but reproach, hard* epithets, *and indignities*, instead of rewards and encouragement." It must, therefore,

* Vide Appendix B. No. 6.

have been from some other source of protection, than that which the law had placed over him, that he looked for countenance and reward in violating an act of parliament, which forbade him from *taking gifts or presents on any account whatsoever;* much less a gift of this magnitude, which, from the distress of the giver, must be supposed the effect of the most cruel extortion.

The directors did wrong in their orders* to appropriate money, which they must know could not have been acquired by the consent of the pretended donor, to their own use. They acted more properly in refusing to confirm this grant to Mr. Hastings, and in choosing rather to refer him to the law, which he had violated, than to his own sense of what he thought he was entitled to take from the natives; putting him in mind that the regulating act had expressly declared "that no governor-general, or any of the council, shall, directly or indirectly, accept, receive, or take, of or from any person or persons, *or on any account whatsoever*, any present, gift, donation, gratuity, or reward, pecuniary or otherwise; or any promise or engagement for any of the aforesaid." Here is no reserve for the case of a disclosure to the directors, and for the legalizing the breach of an act of parliament by their subsequent consent. The illegality attached to the action at its very commencement; and it could never be afterwards legalized; the directors had no such power reserved to them. Words cannot be devised of a stronger import, or studied with more care. To these words of the act are opposed the declaration and conduct of Mr. Hastings; who, in his letter of January, 1782, thinks fit to declare that "an offer of a very considerable sum of money was made to him, both on the part of the nabob and his ministers, as a *present, which he accepted without hesitation.*" The plea of his pretended necessity is of no avail. The present was not in ready money, nor, as your committee conceive, applicable to his

* Vide Appendix B. No. 7.

immediate necessities. Even his credit was not bettered by bills at long periods; he does not pretend that he raised any money upon them; nor is it conceivable that a banker at Benares would be more willing to honor the draughts of so miserable, undone, and dependent a person, as the nabob of Oude, than those of the governor-general of Bengal; which might be paid either on the receipt of the Benares revenue, or at the seat of his power, and of the company's exchequer. Besides, it is not explicable, upon any grounds that can be avowed, why the nabob, who could afford to give these bills as *a present* to Mr. Hastings, could not have equally given them in discharge of the debt which he owed to the company. It is, indeed, very much to be feared that the people of India find it sometimes turn more to their account, to give presents to the English in authority, than to pay their debts to the public; and this is a matter of a very serious consideration.

No small merit is made by Mr. Hastings, and that, too, in a high and upbraiding style, of his having come to a voluntary discovery of this and other unlawful practices of the same kind. "That honorable court," * says Mr. Hastings, addressing himself to his masters, in his letter of December, 1782, "ought to know whether I possess the integrity and honor, which are the first requisites of such a station. If I wanted these, they have afforded me too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by their *unworthy*, and, pardon me if I add, *dangerous reflections*, which they have passed upon me for the first communication of this kind;" (and he immediately adds, what is singular and striking, and savors of a recriminatory insinuation), "and your *own experience* will suggest to you that there are persons who would profit by such a warning." To what directors

* Vide Appendix B. No. 6.

in particular this imputation of experience is applied, and what other persons they are, in whom *experience* has shown a disposition to profit of such a warning, is a matter highly proper to be inquired into. What Mr. Hastings says further on this subject is no less worthy of attention:—"*that he could have concealed these transactions, if he had a wrong motive, from theirs and the public eye forever.*" * It is undoubtedly true, that, whether the observation be applicable to the particular case or not, practices of this corrupt nature are extremely difficult of detection any where, but especially in India: but all restraint upon that grand fundamental abuse of presents is gone forever, if the servants of the company can derive safety from a defiance of the law, when they can no longer hope to screen themselves by an evasion of it. All hope of reformation is at an end, if, confiding in the force of a faction among directors or proprietors to bear them out, and possibly to vote them the fruit of their crimes as a reward of their discovery, they find that their bold avowal of their offences is not only to produce indemnity, but to be rated for merit. If once a presumption is admitted, that wherever something is divulged nothing is hid, the discovering of one offence may become the certain means of concealing a multitude of others. The contrivance is easy and trivial, and lies open to the meanest proficient in this kind of art: it will not only become an effectual cover to such practices, but will tend infinitely to increase them. In that case sums of money will be taken for the purpose of discovery, and making merit with the company; and other sums will be taken for the private advantage of the receiver.

It must certainly be impossible for the natives to know what presents are for one purpose, or what for the other. It is not for a Gentû or a Mahometan landholder, at the foot of the remotest mountains in India, who has no access to our records, and knows nothing of our language, to distinguish

* Vide Appendix B. No. 6.

what lacks of rupees, which he has given, *eo nomine*, as a present to a company's servant, are to be authorized by his masters in Leadenhall-street as proper and legal, or carried to their public account at their pleasure; and what are laid up for his own emolument.

The legislature, in declaring all presents to be the property of the company, could not consider corruption, extortion, and fraud, as any part of their resources. The property in such presents was declared to be theirs, not as a fund for their benefit, but in order to found a legal title to a civil suit. It was declared theirs, to facilitate the recovery, out of corrupt and oppressive hands, of money illegally taken; but this legal fiction of property could not, nor ought, by the legislature, to be considered in any other light than as a trust held by them for those who suffered the injury. Upon any other construction the company would have a right, first, to extract money from the subjects or dependants of this kingdom, committed to their care, by means of particular conventions, or by taxes, by rents, and by monopolies; and, when they had exhausted every contrivance of public imposition, then they were to be at liberty to let loose upon the people all their servants, from the highest rank to the lowest, to prey upon them at pleasure, and to draw, by personal and official authority, by influence, venality, and terror, whatever was left to them;—and that all this was justified, provided the product was paid into the company's exchequer.

This prohibition and permission of presents, with this declaration of property in the company, would leave no property to any man in India. If, however, it should be thought that this clause in the act* should be capable, by construction and retrospect, of so legalizing and thus appropriating these presents, (which your committee conceive impossible,) it is absolutely necessary that it should be very fully explained.

The provision in the act was made in favor of the natives.

* Act 13. Geo. III. cap. 68.

If such construction prevails, the provision made as their screen from oppression will become the means of increasing and aggravating it without bounds and beyond remedy. If presents, which, when they are given were unlawful, can afterwards be legalized by an application of them to the company's service, no sufferer can even resort to a remedial process at law for his own relief. The moment he attempts to sue, the money may be paid into the company's treasury; it is then lawfully taken, and the party is nonsuited.

The company itself must suffer extremely in the whole order and regularity of their public accounts, if the idea, upon which Mr. Hastings justifies the taking of these presents, receives the smallest countenance. On his principles, the same sum may become private property or public, at the pleasure of the receiver: it is in his power, Mr. Hastings says,* to conceal it forever. He certainly has it in his power not only to keep it back, and bring it forward at his own times, but even to shift and reverse the relations in the accounts (as Mr. Hastings has done) in what manner and proportion seems good to him, and to make himself alternately debtor or creditor for the same sums.

Of this irregularity Mr. Hastings himself appears in some degree sensible. He conceives it possible, that his transactions of this nature may, to the court of directors, seem unsatisfactory. He, however, puts it hypothetically;—"if to you† (says he) who are accustomed to view business in an *official and regular light, they should appear unprecedented if not improper.*" He just conceives it possible, that in an official money transaction the directors may expect a proceeding official and regular. In what other lights than those which are official and regular, matters of public account ought to be regarded by those who have the charge of them, either in Bengal or in England, does not appear to your committee.

* Vide Mr. Hastings's letter of 16 December, 1782, in Appendix B. No. 6.
† Vide Appendix B. No. 6.

Any other is certainly "unprecedented and improper;" and can only serve to cover fraud both in the receipt and in the expenditure. The acquisition of 58,000 rupees, or near £6,000, which appears in the sort of *unofficial and irregular account*, that he furnishes of his presents, in his letter of May, 1782,* must appear extraordinary indeed to those who expect from men in office something official and something regular. "This sum† (says he) I received while I was on my journey to Benares." He tells it with the same careless indifference as if things of this kind were found by accident on the high road.

Mr. Hastings did not, indeed he could not, doubt, that this unprecedented and improper account would produce much discussion. He says,‡ "why these sums were taken by me; why they were (except the second) *quietly* transferred to the company's account; why bonds were taken for the first, and not for the rest; might, were this matter to be exposed to the view of the public, *furnish a variety of conjectures.*"

This matter has appeared, and has furnished, as it ought to do, something more serious than conjectures. It would in any other case be supposed, that Mr. Hastings, expecting such inquiries, and considering that the questions are (even as they are imperfectly stated by himself) far from frivolous, would condescend to give some information upon them; but the conclusion of a sentence so importantly begun, and which leads to such expectations, is, "that to these conjectures it would be of little use to reply."—This is all he says to public conjecture.

To the court of directors he is very little more complaisant, and not at all more satisfactory; he states merely as a supposition their inquiry concerning matters of which he positively knew that they had called for an explanation. He knew it, because he presumed to censure them for doing so.

* Vide Appendix B. No. 3. † Ib, ‡ Ib.

To the hypothesis of a further inquiry he gives a conjectural answer of such a kind, as probably, in an account of a doubtful transaction, and to a superior, was never done before.

*" *Were* your honorable court to question me upon these points, I *would* answer, that the sums were taken for the company's benefit at times in which the company very much stood in need of them; that I *either* chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or *possibly acted without any studied design*, which my memory could at this distance of time verify."

He here professes not to be certain of the motives by which he was himself actuated in so extraordinary a concealment, and in the use of such extraordinary means to effect it: and, as if the acts in question were those of an absolute stranger, and not his own, he gives various loose conjectures concerning the motive to them. He even supposes, in taking presents contrary to law, and in taking bonds for them as his own, contrary to what he admits to be truth and fact, that he might have acted without any distinct motive at all, or at least such as his memory could reach at that distance of time. That immense distance, in the faintness of which his recollection is so completely lost as to set him guessing at his motives for his own conduct, was from the 15th of January, 1781, when the bonds at his own request were given, to the date of this letter, which is the 22d of May, 1782; that is to say, about one year and four months.

As to the other sums, for which no bond was taken, the ground for the difference in his explanation is still more extraordinary: he says, †"I did not think it worth my care to observe the same means with the *rest*." The rest of these sums, which were not worth his care, are stated in his account to be greater than those he was so solicitous (for some reason, which we cannot guess) to cover under bonds: these

* Vide Appendix B. No. 3. † Ib.

sums amount to near £53,000, whereas the others did not much exceed £40,000. For these actions, attended with these explanations, he ventures to appeal to their (the directors') breasts for a candid interpretation; and * "he assumes the freedom to add that he thinks himself, on *such* a subject, and on *such* an occasion, entitled to it;" and then, as if he had performed some laudable exploit, in the accompanying letter he glories in the integrity of his conduct; and, anticipating his triumph over injustice, and the applauses which, at a future time, he seems confident he shall receive, says he, † "the applause of my own breast is my surest reward. Your applause, and that of my country, is my next wish in life." He declares, in that very letter, that he had not *at any time* possessed the confidence with them, which they never withheld from the meanest of his predecessors. With wishes so near his heart perpetually disappointed, and, instead of applauses, (as he tells us,) receiving nothing but reproaches and disgraceful epithets, his steady continuance for so many years in their service, in a place obnoxious in the highest degree to suspicion and censure, is a thing altogether singular.

It appears very necessary to your committee to observe upon the great leading principles which Mr. Hastings assumes, to justify the irregular taking of these vasts sums of money, and all the irregular means he had employed to cover the greater part of it. These principles are the more necessary to be inquired into, because, if admitted, they will serve to justify every species of improper conduct. His words are, ‡ "that the sources, from which these reliefs to the public service have come, would never have yielded them to the company *publicly;* and that the exigencies of their service (exigencies created by the exposition of their affairs, and faction in their divided councils) required those supplies."

As to the first of these extraordinary positions, your com-

* Vide Appendix, B. No. 3. † Vide Appendix, B. No. 6. ‡ Ib.

mittee cannot conceive what motive could actuate any native of India, dependent on the company, in assisting them privately, and in refusing to assist them publicly. If the transaction was fair and honest, every native must have been desirous of making merit with the great governing power. If he gave his money as a free gift, he might value himself upon very honorable and very acceptable service; if he lent it on the company's bonds, it would still have been of service, and he might also receive eight per cent. for his money. No native could (without some interested view) give to the governor-general what he would refuse to the company, as a grant, or even as a loan. It is plain, that the powers of government must, in some way or other, be understood by the natives to be at sale. The governor-general says, that he took the money with an original destination to the purposes, to which, he asserts, he has since applied it. But this original destination was in his own mind only, not declared, nor by him pretended to be declared, to the party who gave the presents, and who could perceive nothing in it but money paid to the supreme magistrate for his own private emolument. All that the natives could possibly perceive in such a transaction must be highly dishonorable to the company's government; for they must conceive, when they gave money to Mr. Hastings, that they bought from Mr. Hastings either what was their own right, or something that was not so; or that they redeemed themselves from some acts of rigor inflicted, threatened, or apprehended. If, in the first case, Mr. Hastings gave them the object, for which they bargained, his act, however proper, was corrupt; if he did not, it was both corrupt and fraudulent: if the money was extorted by force or threats, it was oppressive and tyrannical. The very nature of such transactions has a tendency to teach the natives to pay a corrupt court to the servants of the company; and they must thereby be rendered less willing, or less able, or perhaps both, to fulfil their engagements to the state. Mr. Scott's evidence asserts, that

they would rather give to Mr. Hastings, than lend to the company. It is very probable: but it is a demonstration of their opinion of his power and corruption, and of the weak and precarious state of the company's authority.

The second principle assumed by Mr. Hastings for his justification, namely, that factious opposition, and a divided government, might create exigencies requiring supplies, is full as dangerous as the first; for if, in the divisions, which must arise in all councils, one member of government, when he thinks others factiously disposed, shall be entitled to take money privately from the subject, for the purposes of his politics, and thereby to dispense with an act of parliament, pretences for that end cannot be wanting. A dispute may always be raised in council, in order to cover oppression and peculation elsewhere. But these principles of Mr. Hastings tend entirely to destroy the character and functions of a council, and to vest them with one of the dissentient members. The law has placed the sense of the whole in the majority; and it is not a thing to be suffered, that any of the members should privately raise money for the avowed purpose of defeating that sense, or for promoting designs that are contrary to it; a more alarming assumption of power, in an individual member of any deliberative or executive body, cannot be imagined. Mr. Hastings had no right, in order to clear himself of peculation, to criminate the majority with faction. No member of any body, out-voted on a question, has, or can have, a right to direct any part of his public conduct by that principle. The members of the council had a common superior, to whom they might appeal in their mutual charges of faction—they did so frequently; and the imputation of faction has almost always been laid on Mr. Hastings himself.

But there were periods, very distinguished periods too, in the records of the company, in which the clandestine taking of money could not be supported even by this pretence. Mr. Hastings had been charged with various acts of peculation,

perpetrated at a time he could not excuse himself by the plea of any public purpose to be carried on, or of any faction in council, by which it was traversed. It may be necessary here to recall to the recollection of the house, that on the cry which prevailed of the ill practices of the company's servants in India, (which general cry, in a great measure, produced the regulating act of 1773,) the court of directors, in their instructions on the 29th of March, 1774, gave it as an injunction to the council general, that "they *immediately* cause the *strictest* inquiry to be made into *all* oppressions, which may have been committed either against natives or Europeans, and into *all* abuses which may have prevailed in the collection of the revenues, or *any part of the civil government* of the presidency; and that you communicate to us *all information*, which you may be able to obtain relative thereto, or any embezzlement or dissipation of the company's money."

In this inquiry, by far the most important abuse, which appeared on any of the above heads, was that which was charged relative to the sale in gross, by Mr. Hastings, of nothing less than the whole authority of the country government, in the disposal of the guardianship of the nabob of Bengal.

The present nabob, Mobareck ul Dowlah, was a minor when he succeeded to the title and office of subadar of the three provinces, in 1770. Although in a state approaching to subjection, still his rank and character were important. Much was necessarily to depend upon a person, who was to preserve the moderation of a sovereign, not supported by intrinsic power; and yet to maintain the dignity necessary to carry on the representation of political government, as well as the substance of the whole criminal justice of a great country. A good education, conformably to the maxims of his religion and the manners of his people, was necessary to enable him to fill that delicate place with reputation either to the Mahometan government or to ours. He had still to

manage a revenue not inconsiderable, which remained as the sole resource for the languishing dignity of persons any way distinguished in rank among Mussulmen, who were all attached and clung to him. These considerations rendered it necessary to put his person and affairs into proper hands. They ought to have been men who were able, by the gravity of their rank and character, to preserve his morals from the contagion of low and vicious company; men who, by their integrity and firmness, might be enabled to resist, in some degree, the rapacity of Europeans, as well as to secure the remaining fragments of his property from the attempts of the natives themselves, who must lie under strong temptation of taking their share in the last pillage of a decaying house.

The directors were fully impressed with the necessity of such an arrangement. Your committee find that, on the 26th of August, 1771, they gave instructions to the president and council to appoint "a minister to transact the political affairs of the circar [government]; and to select for that purpose some person well qualified for the affairs of government, to be the minister of the government, and guardian of the nabob's minority."

The order was so distinct as not to admit of a mistake; it was (for its matter) provident and well considered; and the trust, which devolved on Mr. Hastings, was of such a nature as might well stimulate a man, sensible to reputation, to fulfil it in a manner agreeably to the directions he had received, and not only above just cause of exception, but out of the reach of suspicion and malice. In that situation, it was natural to suppose he would cast his eyes upon men of the first repute and consideration among the Mussulmen of high rank.

Mr. Hastings, instead of directing his eyes to the durbar, employed his researches in the seraglio. In the inmost recesses of that place he discovered a woman, secluded from the intercourse and shut up from the eyes of men, whom he

found to correspond with the orders he had received from the directors, as a person well "qualified for the affairs of government, fit to be a minister of government, and the guardian of the nabob's minority." This woman he solemnly invests with these functions; he appoints Rajah Gourdas, whom some time after he himself qualified with a description of a young man of mean abilities, to be her duan, or steward of the household. The rest of the arrangement was correspondent to this disposition of the principal officers.

It seems not to have been lawful or warrantable in Mr. Hastings to set aside the arrangement positively prescribed by the court of directors, which evidently pointed to a man, not to any woman whatever. As a woman confined in the female apartment, the lady he appointed could not be competent to hold, or qualified to exercise, any active employment; she stood in need of guardians for herself, and had not the ability for the guardianship of a person circumstanced as the soubah was. General Clavering, Colonel Monson, and Mr. Francis declare, in their minute, "that they believe there never was an instance in India of such a trust so disposed of." Mr. Hastings has produced no precedent in answer to this objection.

It will be proper to state to the house the situation and circumstances of the women principally concerned, who were in the seraglio of Jaffier Ali Khân at his death. The first of these was called Munny Begum, a person originally born of poor and obscure parents, who delivered her over to the conductress of a company of dancing girls; in which profession being called to exhibit at a festival, the late nabob took a liking to her, and, after some cohabitation, she obtained such influence over him that he took her for one of his wives, and (she seems to have been the favorite) put her at the head of his harem; and, having a son by her, this son succeeded to his authority and estate; Munny Begum, the mother, being by his will a devisee of considerable sums of money, and other effects, on which he left a charge, which

has since been applied to the service of the East-India Company. The son of this lady dying, and a son by another wife succeeding, and dying also, the present nabob, Mobareck ul Dowlah, son by a third wife, succeeded. This woman was then alive, and in the seraglio.

It was Munny Begum, that Mr. Hastings chose, and not the natural mother of the nabob. Whether, having chosen a woman in defiance of the company's orders, and in passing by the natural parent of the minor prince, he was influenced by respect for the disposition made by the deceased nabob during his life, or by other motives, the house will determine upon a view of the facts which follow. It will be matter of inquiry, when the question is stated upon the appointment of a stepmother, in exclusion of the parent, whether the usage of the east constantly authorizes the continuance of that same distribution of rank and power, which was settled in the seraglio during the life of a deceased prince, and which was found so settled at his death, and afterwards, to the exclusion of the mother of the successor. In case of female guardianship her claim seems to be a right of nature; and which nothing but a very clear positive law will (if that can) authorize the departure from. The history of Munny Begum is stated on the records of the council general, and no attempt made by Mr. Hastings to controvert the truth of it.

That was charged by the majority of council to have happened, which might be expected inevitably to happen; the care of the nabob's education was grossly neglected, and his fortune as grossly mismanaged and embezzled. What connection this waste and embezzlement had with the subsequent events, the house will judge.

On the 2d of May, 1775, Mr. James Grant, accountant to the provincial council of Moorshedabad, produced to the governor-general and council certain Persian papers, which stated nine lacks of rupees (upwards of £90,000 sterling) received by Munny Begum, on her appointment to the management of the nabob's household, over and above the balance due at

that time, and not accounted for by her. These Grant had received from Nuned Roy, who had been a writer in the begum's treasury office. Both Mr. Grant and Nuned Roy were called before the board, and examined respecting the authenticity of the papers. Among other circumstances tending to establish the credit of these papers, it appears that Mr. Grant offered to make oath that the chief eunuch of the begum had come to him, on purpose to prevail on him not to send the papers; and had declared *that the accounts were not to be disputed.*

On the 9th of May it was resolved by a majority of the board, against the opinion and solemn protest of the governor-general, that a gentleman should be sent up to the city of Moorshedabad, to demand of Munny Begum the accounts of the nizamut and household from April, 1764, to the latest period to which they could be closed, and to divest the begum of the office of guardian to the nabob; and Mr. Charles Goring was appointed for this purpose.

The preceding facts are stated to the house, not as the foundation of an inquiry into the conduct of the begum, but as they lead to, and are therefore necessary to explain by what means a discovery was made of a sum of money given by her to Mr. Hastings.

Mr. Goring's first letter from the city, dated 17th May, 1775, mentions, among other particulars, the young nabob's joy at being delivered out of the hands of Munny Begum; the mean and indigent state of confinement in which he was kept by her; the distress of his mother; and that he had told Mr. Goring that the "begum's eunuch had instructed the servants not to suffer him to learn any thing by which he might make himself acquainted with business:" and he adds, "Indeed, I believe there is great truth in it, as his excellency seems to be ignorant of almost every thing a man of his rank ought to know; not from a want of understanding, but of being properly educated."

On the 21st of May, Mr. Goring transmitted to the gov-

ernor-general and council an account of sums given by the begum, under her seal, delivered to Mr. Goring by the nabob, in her apartments. The account is as follows:

MEMORANDUM of disbursements to English gentlemen, from the nabob's sircar, in the Bengal year 1179.

	Seal of Munny Begum, Mother of the nabob Nudjuf ul Dowla, deceased.
To the governor, Mr. Hastings, for an entertainment	1,50,000
To Mr. Middleton, on account of an agreement entered into by Baboo Begum .	1,50,000
Rupees	3,00,000

When this paper was delivered, the governor-general moved, that Mr. Goring might be asked, *How he came by it?* and, *on what account this partial selection was made by him?* Also, that the begum should be desired *to explain the sum laid to his charge;* and that he should ask *the nabob or the begum their reasons for delivering this separate account.*

The substance of the governor's proposal was agreed to.

Mr. Goring's answer to this requisition of the board is as follows:

"In compliance with your orders, to explain the delivery of the paper containing an account of three lacks of rupees, I am to inform you it took its rise from a message sent me by the begum, requesting I would interest myself with the nabob, to have Akbar Ally Khân released to her for a few hours, having something of importance to communicate to me, on which she wished to consult him. Thinking the service might be benefited by it, I accordingly desired the nabob would be pleased to deliver him to my charge, en-

gaging to return him the same night; which I did.—I heard no more till next day, when the begum requested to see his excellency and myself, desiring Akbar Ally might attend.

"On our first meeting, she entered into a long detail of her administration, endeavoring to represent it in the fairest light; at last she came to the point, and told me, my urgent and repeated remonstrances to her to be informed how the balance arose, of which I was to inquire, induced her from memory to say what she had herself given; then mentioning the sum of a lack and a half to the governor, to feast him whilst he staid there; and a lack and a half to Mr. Middleton, by the hands of Baboo Begum. As I looked on this no more than a matter of conversation, I arose to depart, but was detained by the begum's requesting the nabob to come to her; a scene of weeping and complaint then began, which made me still more impatient to be gone; and I repeatedly sent to his excellency for that purpose; he at last came out, and delivered me a paper I sent you, declaring it was given him by the begum to be delivered me."

Munny Begum also wrote a letter to General Clavering, in which she directly asserts the same.

"Mr. Goring has pressed me on the subject of the balances; in answer to which I informed him, that all the particulars being on record, would, in the course of the inquiry, appear from the papers. He accordingly received from the nabob Mobareck ul Dowlah a list of three lacks of rupees given to the governor and Mr. Middleton. I now send you inclosed a list of the dates when it was presented, and through whose means, which you will receive."

The governor-general then desired that the following questions might be proposed to the begum by Mr. Martin, then resident at the Durbar.

1st. Was any application made to you for the account, which you have delivered, of three lacks of rupees, said to have been paid to the governor and Mr. Middleton, or did you deliver the account of your own free will, and unsolicited?

2d. In what manner was the application made to you; and by whom?

3d. On what account was the sum of one and a half lacks given to the governor-general, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

The governor-general objected strongly to Mr. Goring's being present when the questions were put to the begum; but it was insisted on by the majority and it was resolved accordingly, that he ought to be present. The reasons on both sides will best appear by the copy of the debate, inserted in the Appendix.

The begum's answer to the preceding questions, addressed to the governor-general and council, where it touched the substance, was as follows:

"The case is this: Mr. Goring, on his arrival here, *seized all the papers, and secured them under his seal; and all the mutseddies* [*clerks or accountants*] *attended him, and explained to him all the particulars of them.* Mr. Goring inquired of me concerning the arrears due to the sepoys, &c., observing that the nizamut and bhela money [nabob's allowance] was received from the company; from whence then could the balance arise?—I made answer, that the sum was not adequate to the expenses. Mr. Goring then asked, what are those expenses which exceed the sum received from the company? I replied, *all the particulars will be found in the papers.* The affair of the three lacks of rupees, *on account of entertainment for the governor and Mr. Middleton*, has been, I am told, related to you by Rajah Gourdass; besides which, there are many other expenses, which will appear from the papers. As the custom of entertainment is of long standing, and accordingly every governor of Calcutta, who came to Moorshedabad, received a daily sum of two thousand rupees for entertainment, which was in fact instead of provisions; and the lack and an half of

rupees, laid to Mr. Middleton's charge, was *a present on account of an agreement entered into by the Bhow Begum*, I therefore affixed my seal to the account, and forwarded it to Mr. Goring by means of the nabob."

In this answer, the accounts given to Mr. Goring she asserts to be genuine. They are explained, in all the particulars, by all the secretaries and clerks in office. They are secured under Mr. Goring's seal. To them she refers for every thing; to them she refers for the three lacks of rupees given to Mr. Hastings and Mr. Middleton. It is impossible to combine together a clearer body of proof, composed of record of office and verbal testimony, mutually supporting and illustrating each other.

The house will observe, that the receipt of the money is indirectly admitted by one of the governor's own questions to Munny Begum.

If the money was not received, it would have been absurd to ask, *on what account it was given?* Both the question and the answer relate to some established usage, the appeal to which might possibly be used to justify the acceptance of the money, if it was accepted; but would be superfluous, and no way applicable to the charge, if the money was never given.

On this point, your committee will only add, that, in all the controversy between Mr. Hastings and the majority of the council, he *no where denies the receipt of this money.*— In his letter to the court of directors, of the 31st of July, 1775, he says that the begum was compelled, by the ill treatment of one of her servants, which he calls *a species of torture*, to deliver the paper to Mr. Goring; but he no where affirms, that the contents of the paper were false.

On this conduct, the majority remark, "We confess it appears very extraordinary, that Mr. Hastings should employ so much time and labor to show that the discoveries against him have been obtained by improper means, but that he should take no step whatsoever *to invalidate the truth of*

them. He does not deny the receipt of the money; the begum's answers to the questions, put to her at his own desire, making it impossible that he should deny it. It seems, he has formed some plan of defence against this and similar charges, which he thinks will avail him in a court of justice, and which it would be imprudent in him to anticipate at this time. If he has not received the money, we see no reason for such a guarded and cautious method of proceeding. An innocent man would take a shorter and easier course. He would voluntarily exculpate himself by his oath."

Your committee entertain doubts whether the refusal to exculpate by oath can be used as a circumstance to infer any presumption of guilt. But where the charge is direct, specific, circumstantial, supported by papers and verbal testimony, made before his lawful superiors, to whom he was accountable, by persons competent to charge; if innocent, he was obliged at least to oppose to it a clear and formal denial of the fact, and to make a demand for inquiry. But if he does not deny the fact, and eludes inquiry, just presumptions will be raised against him.

Your committee, willing to go to the bottom of a mode of corruption, deep and dangerous in the act and the example, being informed that Mr. Goring was in London, resolved to examine him upon the subject. Mr. Goring not only agreed with all the foregoing particulars, but even produced to your committee, what he declared to be the original Persian papers in his hands, delivered from behind the curtain, through the nabob himself; who, having privilege as a son-in-law, to enter the women's apartment, received them from Munny Begum, as authentic; the woman all the while lamenting the loss of her power with many tears, and much vociferation. She appears to have been induced to make discovery of the above practices, in order to clear herself of the notorious embezzlement of the nabob's effects.

Your committee examining Mr. Scott and Mr. Baber on this subject, they also produced a Persian paper, which Mr.

Baber said he received from the hands of a servant of Munny Begum; and along with it a paper, purporting to be a translation into English of the Persian original. In the paper given as the translation, Munny Begum is made to allege many matters of hardship and cruelty against Mr. Goring, and an attempt to compel her to make out a false account; but does not at all deny the giving the money—very far from it. She is made to assert, indeed, "that Mr. Goring desired her to put down three lacks of rupees, as divided between Mr. Hastings and Mr. Middleton. I begged to be excused; observing to him, that this money had neither been tendered or *accepted* with any criminal or improper view." After some lively expressions in the European manner, she says, "that it had been customary to furnish a table for the governor and his attendants, during their stay at court. With respect to the sum mentioned to Mr. Middleton, it was *a free gift* from my own *privy purse*. *Purburam* replied, he understood this money to be paid to these gentlemen, as a gratuity for *secret services;* and as such he should assuredly represent it." Here the payments to Mr. Hastings are fully admitted, and excused as agreeable to usage, and for keeping a table. The present to Mr. Middleton is justified as a free gift. The paper produced by Mr. Scott is not referred to by your committee as of any weight, but to show that it does not prove what it is produced to prove.

Your committee, on reading the paper delivered in by Mr. Scott as a translation, perceive it to be written in a style which they conceived was little to be expected in a faithful translation from a Persian original, being full of quaint terms and idiomatic phrases, which strongly bespeak English habits in the way of thinking, and of English peculiarities and affectations in the expression. Struck with these strong internal marks of a suspicious piece, they turned to the Persian manuscript produced by Mr. Scott and Mr. Baber, and, comparing it with Mr. Goring's papers, they found the latter carefully sealed upon every leaf, as they believe is the practice

universal in all authentic pieces. They found on the former no seal or signature whatsoever, either at the top or bottom of the scroll. This circumstance of a want of signature not only takes away all authority from the piece as evidence, but strongly confirmed the suspicions entertained by your committee on reading the translation of unwarrantable practices in the whole conduct of this business, even if the translation should be found substantially to agree with the original, such an original as it is. The Persian roll is in the custody of the clerk of your committee for further examination.

Mr. Baber and Mr. Scott, being examined on these material defects in the authenticalness of a paper, produced by them as authentic, could give no sort of account how it happened to be without a signature; nor did Mr. Baber explain how he came to accept and use it in that condition.

On the whole, your committee conceive that all the parts of the transaction, as they appear in the company's records, are consistent, and mutually throw light on each other.

The court of directors order the president and council to appoint a minister to transact the *political* affairs of the government, and to select, for that purpose, some person well qualified for the affairs of government, and to be the *minister of government.* Mr. Hastings selects for the minister, so described, and so qualified, a woman locked up in a seraglio. He is ordered to appoint a guardian to the nabob's minority. Mr. Hastings passes by his natural parent, and appoints another woman. These acts would, of themselves, have been liable to suspicion: but a great deficiency or embezzlement soon appears in this woman's account. To exculpate herself, she voluntarily declares that she gave a considerable sum to Mr. Hastings, who never once denies the receipt. The account given by the principal living witness of the transaction, in his evidence, is perfectly coherent and consistent with the recorded part. The original accounts, alleged to be delivered by the lady in question, were produced by him, properly sealed and authenticated. Nothing is op-

posed to all this but a paper, without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance; and this paper, in apologizing for it, confirms the facts beyond a doubt.

Finally, your committee examined the principal living witness of the transaction, and find his evidence consistent with the record. Your committee received the original accounts alleged to be delivered by the lady in question, properly sealed and authenticated; and find opposed to them nothing but a paper without a signature, and therefore of no authority, attended with a translation of a very extraordinary appearance.

In Europe, the directors ordered opinions to be taken on a prosecution; they received one doubtful, and three positively for it.

They write, in their letter of 5th February, 1777, paragraphs 32 and 33, "Although it is rather our wish to prevent evils in future than to enter into a severe retrospection of the past, and, where facts are doubtful, or attended with alleviating circumstances, to proceed with lenity, rather than to prosecute with rigor; yet some of the cases are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished. The principal facts have been communicated to our solicitor,* whose report, confirmed by our standing council, we send you by the present conveyance; authorizing you, at the same time, to take such steps as shall appear proper to be pursued.

"If we find it necessary, we shall return you the original covenants of such of our servants as remain in India, and have been anywise concerned in the undue receipt of money, in order to enable you to recover the same for the use of the company by a suit or suits at law, to be instituted in the supreme court of judicature in Bengal."

* Relative to salt farms, charges of the Ranny of Burdwan, and the charges of Nundcomar and Munny Begum.

Your committee do not find that the covenants have been sent, or that any prosecution has been begun.

A vast scene of further peculation and corruption, as well in this business as in several other instances, appears in the evidence of the Rajah Nundcomar. That evidence, and all the proceedings relating to it, are entered in the Appendix. It was the last evidence of the kind. The informant was hanged. An attempt was made by Mr. Hastings to indict him for a conspiracy: this failing of effect, another prosecutor appeared for an offence not connected with these charges. Nundcomar, the object of that charge, was executed at the very crisis of the inquiry for an offence of another nature, not capital by the laws of the country. As long as it appeared safe, several charges were made (which are inserted at large in the Appendix); and Mr. Hastings and Mr. Barwell seemed apprehensive of many more. General Clavering, Colonel Monson, and Mr. Francis declared, in a minute entered on the consultations of the 5th May, 1775, that, "in the late proceedings of the revenue board, it will appear that there is no species of peculation, from which the honorable governor-general has thought proper to abstain." A charge of offences of so heinous a nature, so very extensive, so very deliberate, made on record by persons of great weight, appointed by act of parliament his associates in the highest trust; a charge made at his own board, to his own face, and transmitted to their common superiors, to whom they were jointly and severally accountable;—this was not a thing to be passed over by Mr. Hastings; still less ought it to have perished in other hands. It ought to have been brought to an immediate and strict discussion. General Clavering, Colonel Monson, and Mr. Francis, ought to have been punished for a groundless accusation, if such it had been. If the accusation were founded, Mr. Hastings was very unfit for the high office of governor-general, or for any office.

After this comprehensive account, by his colleagues, of the

governor-general's conduct, these gentlemen proceeded to the particulars, and they produced the case of a corrupt bargain of Mr. Hastings concerning the disposition of office. This transaction is here stated by your committee in a very concise manner, being on this occasion merely intended to point out to the house the absolute necessity, which, in their opinion, exists, for another sort of inquiry into the corruptions of men in power in India, than hitherto has been pursued. The proceedings may be found at large in the Appendix.

A complaint was made that Mr. Hastings had sold the office of phouzedar of Hughley to a person called Khân Jehan Khân on a corrupt agreement; which was, that from his emoluments of 72,000 rupees a year, he was to pay to the governor-general 36,000 rupees annually; and to his banian, Cantû Babû, 4,000 more. The complainant offers to pay to the company the 40,000 rupees, which were corruptly paid to these gentlemen, and to content himself with the allowance of 32,000. Mr. Hastings was, if on any occasion of his life, strongly called upon to bring this matter to the most distinct issue; and Mr. Barwell, who supported his administration, and as such ought to have been tender for his honor, was bound to help him to get to the bottom of it, if his enemies should be ungenerous enough to countenance such an accusation, without permitting it to be detected and exposed. But the course they held was directly contrary. They began by an objection to receive the complaint, in which they obstinately persevered, as far as their power went. Mr. Barwell was of opinion, that the company's instructions to inquire into peculation were intended for the public interests; that it could not forward the public interests to enter into these inquiries; and that "he never would be a channel of aspersing any character, while it cannot conduce to the good of government."——Here was a new mode of reasoning found out by Mr. Barwell, which might subject all inquiry into peculation to the discretion of the very persons charged

with it. By that reasoning, all orders of his superiors were at his mercy; and he actually undertook to set aside those commands, which, by an express act of parliament he was bound to obey, on his opinion of what would, or would not, conduce to the good of government. On his principles, he either totally annihilates the authority of the act of parliament, or he entertains so extravagant a supposition, as that the court of directors possessed a more absolute authority, when their orders were not intended for the public good, than when they were.

General Clavering was of a different opinion: he thought, "he should be wanting to the legislature, and to the court of directors, if he was not to receive the complaints of the inhabitants, when properly authenticated, and to prefer them to the board for investigation, as the only means by which these grievances can be redressed, and the company informed of the conduct of their servants."

To these sentiments Colonel Monson and Mr. Francis adhered. Mr. Hastings thought it more safe, on principles similar to those assumed by Mr. Barwell, to refuse to hear the charge; but he reserved his remarks on this transaction, because they will be equally applicable to *many others, which, in the course of this business, are likely to be brought before the board.* There appeared therefore to him, a probability that the charge about the corrupt bargain was no more than the commencement of a whole class of such accusations; since he was of opinion (and what is very extraordinary, previous to any examination) that the same remarks would be applicable to several of those which were to follow. He must suppose this class of charges very uniform, as well as very extensive.

The majority, however, pressed their point; and, notwithstanding his opposition to all inquiry, as he was supported only by Mr. Barwell, the question for it was carried. He was then desired to name a day for the appearance of the accuser, and the institution of the inquiry. Though baf-

fied in his attempt to stop the inquiry in the first stage, Mr. Hastings made a second stand; he seems here to have recollected something inherent in his own office, that put the matter more in his power than at first he had imagined; for he speaks in a positive and commanding tone: "I will not (says his minute) name a day for Mir Zin ul ab Dien to appear before the board; *nor will I suffer him to appear before the board.*"

The question for the inquiry had been carried. It was declared fit to inquire; but there was, according to him, a power, which might prevent the appearance of witnesses. On the general policy of obstructing such inquiries, Mr. Francis, on a motion to that effect, made a sound remark, which cannot fail of giving rise to very serious thoughts: "that, supposing it agreed among ourselves, that the board shall not hear any charges or complaints against a member of it, a case or cases may hereafter happen, in which, by a reciprocal complaisance to each other, our respective misconduct may be effectually screened from inquiry; and the company, whose interest is concerned, or the parties, who may have reason to complain of any one member individually, may be left without remedy."

Mr. Barwell was not of the opinion of that gentleman, nor of the maker of the motion, General Clavering, nor of Mr. Monson, who supported it. He entertains sentiments, with regard to the orders of the directors in this particular, perfectly correspondent with those which he had given against the original inquiry. He says, "though it may in some little degree save the governor-general from personal insult—where there is no judicial power lodged, that of inquisition can never answer any good purpose." This is doctrine of a most extraordinary nature and tendency; and, as your committee conceive, contrary to every sound principle to be observed in the constitution of judicatures and inquisitions. The power of inquisition ought rather to be wholly separated from the judicial, the former being a previous step to the

latter, which requires other rules and methods; and ought not, if possible, to be lodged in the same hands. The rest of his minute (contained in the Appendix) is filled with a censure on the native inhabitants; with reflections on the ill consequences which would arise from an attention to their complaints; and with an assertion of the authority of the supreme court, as superseding the necessity and propriety of such inquiries in council. With regard to his principles relative to the natives and their complaints, if they are admitted, they are of a tendency to cut off the very principle of redress. The existence of the supreme court, as a means of relief to the natives under all oppressions, is held out to qualify a refusal to hear in the council. On the same pretence, Mr. Hastings holds up the authority of the same tribunal. But this and other proceedings show abundantly of what efficacy that court has been for the relief of the unhappy people of Bengal. A person in delegated authority refuses a satisfaction to his superiors, throwing himself on a court of justice, and supposes that nothing, but what judicially appears against him, is a fit subject of inquiry. But even in this Mr. Hastings fails in his application of his principle; for the majority of the council were undoubtedly competent to order a prosecution against him in the supreme court, which they had no ground for without a previous inquiry. But their inquiry had other objects. No private accuser might choose to appear. The party, who was the subject of the peculation, might be (as here is stated) the accomplice in it. No popular action, or popular suit, was provided by the charter, under whose authority the court was instituted. In any event, a suit might fail in the court for the punishment of an actor in an abuse, for want of the strictest legal proof, which might yet furnish matter for the correction of the abuse, and even reasons strong enough not only to justify, but to require the directors instantly to address for the removal of a governor-general. The opposition of Mr. Hastings and Mr. Barwell proved as ineffectual in this stage as the former; and

a day was named by the majority for the attendance of the party.

The day following this deliberation, on the assembling of the council, the governor-general, Mr. Hastings, said, "He would not sit to be confronted by such accusers, nor to *suffer* a judicial inquiry into his conduct at the board, of which he is the president." As on the former occasions, he declares the board dissolved. As on the former occasions the majority did not admit his claim to this power, they proceeded, in his absence, to examine the accuser and witnesses. Their proceedings are in appendix K.

It is remarkable, that during this transaction Khân Jehan Khân, the party, with whom the corrupt agreement was made, declined an attendance under excuses, which the majority thought pretences for delay, though they used no compulsory methods towards his appearance; at length, however, he did appear, and then a step was taken by Mr. Hastings of a very extraordinary nature, after the steps which he had taken before, and the declarations with which those steps had been accompanied. Mr. Hastings, who had absolutely refused to be present in the foregoing part of the proceeding, appeared with Khân Jehan Khân. And now the affair took another turn; other obstructions were raised. General Clavering said, that the informations hitherto taken had proceeded upon oath. Khân Jehan Khân had previously declared to General Clavering has readiness to be so examined; but when called upon by the board, he changed his mind, and alleged a delicacy, relative to his rank, with regard to the oath. In this scruple he was strongly supported by Mr. Hastings. He and Mr. Barwell went further; they contended, that the council had no right to administer an oath. They must have been very clear in that opinion, when they resisted the examination on oath of the very person, who, if he could safely swear to Mr. Hastings's innocence, owed it as a debt to his patron not to refuse it; and of the payment of this debt it was extraordinary in the patron not only to enforce but to support the absolute refusal.

Although the majority did not acquiesce in this doctrine, they appeared to have doubts of the prudence of enforcing it by violent means; but, construing his refusal into a disposition to screen the peculations of the governor-general, they treated him as guilty of a contempt of their board, dismissed him from the service, and recommended another (not the accuser) to his office.

The reasons on both sides appear in the Appendix. Mr. Hastings accuses them bitterly of injustice to himself in considering the refusal of this person to swear as a charge proved. How far they did so, and under what qualifications, will appear by reference to the papers in the Appendix. But Mr. Hastings "thanks God that they are not his judges." His great hold, and not without reason, is the supreme court; and he "blesses the wisdom of parliament, that constituted a court of judicature at so seasonable a time, to check the despotism of the new council." It was thought in England, that the court had other objects than the protection of the governor-general against the examinations of those sent out with instructions to inquire into the peculations of men in power.

Though Mr. Hastings did at that time, and avowedly did, every thing to prevent any inquiry that was instituted merely for the information of the court of directors, yet he did not feel himself thoroughly satisfied with his own proceedings. It was evident, that, to them, his and Mr. Barwell's reasonings would not appear very respectful or satisfactory; he therefore promises to give them full satisfaction at some future time. In his letter of the 14th of September, 1775, he reiterates a former declaration, and assures them of his resolution to this purpose in the strongest terms. "I now *again* recur to the declaration, which I have before made, that it is my fixed determination to carry *literally* into execution, and *most fully and liberally explain every circumstance of my conduct, on the points upon which I have been injuriously arraigned;* and to afford you the clearest convic-

tion of my own integrity, and of the propriety of my motives for my declining a present defence of it."

These motives, as far as they can be discovered, were the violence of his adversaries, the interested character and views of the accuser, and the danger of a prosecution in the supreme court, which made it prudent to reserve his defence. These arguments are applicable to any charge. Notwithstanding these reasons, it is plain, by the above letter, that he thought himself bound, at some time or other, to give satisfaction to his masters: till he should do this, in his own opinion, he remained in an unpleasant situation. But he bore his misfortune, it seems, patiently, with a confidence in their justice for his future relief. He says, "whatever evil may fill the *long interval* which may precede it."—That interval he has taken care to make long enough; for, near eight years are now elapsed, and he has not yet taken the smallest step towards giving to the court of directors any explanation whatever; much less that full and liberal explanation which he had so repeatedly and solemnly promised.

It is to be observed that, though Mr. Hastings talks in these letters much of his integrity, and of the purity of his motives, and of full explanations, he no where denies the fact of this corrupt traffic of office. Though he had adjourned his defence, with so much pain to himself, to so very long a day, he was not so inattentive to the ease of Khân Jehan Khân, as he has shown himself to his own. He had been accused of corruptly reserving to himself a part of the emoluments of this man's office: it was a delicate business to handle, whilst his defence stood adjourned; yet, in a very short time after a majority came into his hands, he turned out the person appointed by General Clavering, &c., and replaced the very man with whom he stood accused of the corrupt bargain. What was worse, he had been charged with originally turning out another, to make room for this man. The whole is put in strong terms by the then majority of the council; where, after charging him with every species of

peculation, they add, "We believe the proofs of his appropriating four parts in seven of the salary, with which the company is charged for the phousdar of Hughley are such as, whether sufficient or not to convict him in a court of justice, will not leave the shadow of a doubt concerning his guilt in the mind of any unprejudiced person.—The salary is 72,000 rupees a year; the governor takes 36,000, and allows Cantoo Baboo 4,000 more for the trouble he submits to in conducting the negotiation with the phousdar. This also is the common subject of conversation and derision through the whole settlement.—It is our firm opinion and belief that the late phousdar of Hughley, a relation of Mahomed Reza Cawn, was turned out of this office merely because his terms were not so favorable as those which the honorable governor-general has obtained from the present phousdar.

"The honorable governor-general is pleased to assert, with a confidential spirit peculiar to himself, that his measures hitherto stand unimpeached, except by us. We know not how this assertion is to be made good, unless *the most daring and flagrant prostitution in every branch* be deemed an honor to his administration."

The whole style and tenor of these accusations, as well as the nature of them, rendered Mr. Hastings's first postponing and afterwards totally declining all denial, or even defence or explanation, very extraordinary. No governor ought to hear in silence such charges; and no court of directors ought to have slept upon them.

The court of directors were not wholly inattentive to this business. They condemned his act as it deserved, and they went into the business of his legal right to dissolve the council. Their opinions seemed against it, and they gave precise orders against the use of any such power in future. On consulting Mr. Sayer, the company's counsel, he was of a different opinion with regard to the legal right; but he thought, very properly, that the use of a right, and the man-

ner and purposes for which it was used, ought not to have been separated. What he thought on this occasion appears in his opinion, transmitted by the court of directors to Mr. Hastings and the council general; "but it was as great a crime, to dissolve the council upon *base and sinister motives*, as it would be to assume the power of dissolving, if he had it not. I believe he is *the first governor that ever* dissolved a council inquiring into his behavior, when he was innocent. Before he could summon three councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince every body, beyond a doubt, of his conscious guilt.*"

It was a matter but of small consolation to Mr. Hastings, during the painful interval he describes, to find that the company's learned counsel admitted that he had legal powers, of which he made an use that raised an universal presumption of his guilt.

Other counsel did not think so favorably of the powers themselves. But this matter was of less consequence, because a great difference of opinion may arise concerning the extent of official powers, even among men professionally educated, (as in this case such a difference did arise,) and well-intentioned men may take either part. But the use that was made of it, in systematical contradiction to the company's orders, has been stated in the ninth report, as well as in many others made by two of your commitees.

*** As the Appendixes, originally printed with the foregoing Reports, and which consist, chiefly, of official documents, would have swelled this volume to an enormous size, it has been thought proper to omit them, with the exception of the first nine numbers of the Appendix B. to the Eleventh Report; the insertion of which has been judged necessary for the elucidation of the subject-matter of that report.

EXTRACTS

FROM THE

APPENDIX TO THE ELEVENTH REPORT.

APPENDIX B. No. I.

Copy of a Letter from the Governor-General to the Court of Directors.

To the Honorable the Court of Directors of the Honorable United East-India Company.

Fort William, 29th November, 1780.

HONORABLE SIRS,

You will be informed, by our consultations of the 26th of June, of a very unusual tender, which was made by me to the board on that day, for the purpose of indemnifying the company for the extraordinary expense which might be incurred by supplying the detachment under the command of Major Camac, in the invasion of the Mahratta dominions which lay beyond the district of Gohed, and drawing the attention of Mahdajee Sindia, to whom that country immediately appertained, from General Goddard; while he was employed in the reduction of Bassein, and in securing the conquests made by your arms in Guzerat.—I was desirous to remove the only objection which has been, or could be, ostensibly made to the measure, which I had very much at heart, as may be easily conceived from the means which I took to effect it. For the reasons at large, which induced me to propose that diversion, it will be sufficient to refer to

my minute, recommending it, and to the letters received from General Goddard, near the same period of time. The subject is now become obsolete, and all the fair hopes, which I had built upon the prosecution of the Mahratta war, of its termination in a speedy, honorable, and advantageous peace, have been blasted by the dreadful calamities which have befallen your arms in the dependencies of your presidency of Fort Saint George; and changed the object of our pursuit, from the aggrandizement of your power, to its preservation. My present reason, for reverting to my own conduct on the occasion which I have mentioned, is to obviate the false conclusions, or purposed misrepresentations which may be made of it, either as an artifice of ostentation, or as the effect of corrupt influence, by assuring you that the money, *by whatever means it came into your possession*, was not my own; that I had myself no right to it, nor would or could have received it, but for the occasion which prompted me to avail myself of the accidental means, which were at that instant afforded me, of accepting and converting it to the property and use of the company: and with this brief apology I shall dismiss the subject.

Something of affinity to this anecdote may appear in the first aspect of *another* transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you:—you will have been advised, by repeated addresses of this government, of the arrival of an army at Cuttac, under the command of Chimnajee Boosla, the second son of Moodajee Boosla, the rajah of Berar.

The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our consultations. The minute relation of these would exceed the bounds of a letter; I shall therefore confine myself to the principal fact. About the middle of the last year a plan of confederacy was formed by the Nabob Nizam Ally Cawn, by which it was proposed that, while the army of the Mahrattas, under the

command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the west of India, Hyder Ally Cawn should invade the Carnatick, Moodajee Boosla the provinces of Bengal, and he himself the Sircars of Rajamundry and Chicacole.

The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into Bengal. To enforce the request on the part of the ruling member of the Mahratta state, menaces of instant hostility by the combined forces were added by Mahdajee Sindia, Tuckoojee Hoolkar, and Nizam Ally Cawn, in letters written by them to Moodajee Boosla, on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded. Such at least was the turn which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures which were intended to be taken and which were taken by him upon it. The army professedly destined for Bengal marched on the dussera of the last year, corresponding with the 7th of October. Instead of taking the direct course to Behar, which had been prescribed, it proceeded, by varied deviations and studied delays, to Cuttac, where it arrived late in May last, having performed a practicable journey of three months in seven, and concluded it at the instant commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part which it would then be compelled to choose. In the mean time letters were continually written by the rajah and his minister to this government, explanatory of their situation and motives; proposing their mediation and guarantee for a peace and alliance with the peshwa; and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it.

Conformably to these assurances, and the acceptance of a

proposal made by Moodajee Boosla to depute his minister to Bengal for the purpose of negotiating and concluding the proposed treaty of peace, application had been made to the peshwa for credentials to the same effect.—In the mean time the fatal news arrived of the defeat of your army at Conjeveram. It now became necessary that every other object should give place, or be made subservient, to the preservation of the Carnatick; nor would the measures requisite for that end admit an instant of delay. Peace with the Mahrattas was the first object; to conciliate their alliance, and that of every other power in natural enmity with Hyder Ally, the next.—Instant measures were taken (as our general advices will inform you) to secure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrear of pay; not less occasioned by the want of pecuniary funds, than a stoppage of communication. An application had been made to us for a supply of money; and the sum specified for the complete relief of the army was sixteen lacks. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent, or consistent with our public credit, to have afforded it. It was, nevertheless, my decided opinion that some aid should be given; not less as a necessary relief, than as an indication of confidence, and a return for the many instances of substantial kindness which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode, a

less considerable sum would suffice: I accordingly caused three lacks of rupees to be delivered to the minister of the rajah of Berar, resident in Calcutta: he has transmitted it to Cuttac.—Two-thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands, belonging to the honorable company. I have given due notice to Moodajee Boosla of this transaction, and explained it to have been a private act of my own, unknown to the other members of the council. I have given him expectations of the remainder of the amount required for the arrears of his army, proportioned to the extent to which he may put it in my power to propose it as a public gratuity, by his effectual orders for the recall of these troops, or for their junction with ours.

I hope I shall receive your approbation of what I have done for your service, and your indulgence for the length of this narrative, which I could not comprise within a narrower compass.

I have the honor to be, honorable sirs,

Your most faithful, obedient, and humble servant,

WARREN HASTINGS.

APPENDIX B. No. 2.

An account of Money paid into the Company's Treasury by the Governor-General, since the year 1773.

May, 1774, to April, 1775.	For interest bonds, CR.	2,175*	
	For bills of exchange on the court,	1,43,937	
	For money refunded by order of court, Account General Coote's commission,	8,418	CR. 1,54,530

* { Received 19th May, Cancelled 30th July, 1774.

1775–1776.	For bills of exchange on the court,		1,80,480
1776–1777.	do.	do.	1,96,800
1777–1778.	do.	do.	1,08,000
1778–1779.	do.	do.	1,43,000
1779–1780.	do.	do.	1,21,600
1780–1781.	For bills of exchange, CR.	43,000	
	For deposits,	2,38,715	
	For interest bonds at 8 per cent.	4,75,600	
	For do. 4 per cent.	1,66,000	
	For Durbar charges,	2,32,000	11,55,315
May, 1782.	For interest bonds,		35,000
		CR.	20,94,725

(Errors excepted.)

JOHN ANNIS, *Auditor of Indian Accounts.*

East-India House, 11th June, 1783.

APPENDIX B. No. 3.

To the Honorable the Secret Committee of the Honorable Court of Directors.

Fort William, 22d May, 1782.

Honorable Sirs,

In a letter, which I have had the honor to address you in duplicate, and of which a triplicate accompanies this, dated 20th January, 1782, I informed you that I had received the offer of a sum of money from the nabob vizier and his ministers, to the nominal amount of ten lacks of Lucknow siccas; and that bills on the house of Gopaul Doss had been actually given me for the amount which I had accepted for the use of the honorable company; and I promised to account with you for the same as soon as it should be in my power, after the whole sum had come into my possession. This promise I now perform; and, deeming it consistent with the spirit of it, I have added such *other* sums as have been occasionally converted to the company's property through my means, and in consequence of the like original destination. Of the second of these you have been already advised in a letter which I had the honor to address the honorable court of directors, dated 29th November, 1780. Both this and the third article were paid immediately to the treasury, by my order to the sub-treasurer to receive them on the company's account, but never passed through my hands. The three sums, for which bonds were granted, were in like manner paid to the company's treasury, without passing through my hands; but their appropriation was not specified.

The sum of 58,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account.

As to the manner, in which these sums have been expended, the reference which I have made of it in the accompanying account, to the several accounts in which they

are credited, renders any other specification of it unnecessary; besides that those accounts either have or will have received a much stronger authentication than any that I could give to mine.

Why these sums were taken by me, why they were, except the second, quietly transferred to the company's use; why bonds were taken for the first, and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your honorable court to question me upon these points, I would answer that the sums were taken for the company's benefit at times in which the company very much needed them; that I either chose to conceal the first receipts from public curiosity, by receiving bonds for the amount; or possibly acted without any studied design, which my memory could at this distance of time verify; and that I did not think it worth my care to observe the same means with the rest. I trust, honorable sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself, on such a subject and on such an occasion, entitled to it.

I have the honor to be, honorable sirs,

Your most faithful, most obedient,

and most humble servant,

WARREN HASTINGS.

APPENDIX B. No. 4.

An account of sums received on the account of the Honorable Company by the Governor-General, or paid to their Treasury by his order, and applied to their service.

1780.

October. The following sums were paid into the treasury, and bonds granted for the same, in the name of the governor-general, in whose possession the bonds remain, with a declaration upon each, endorsed and signed by him, that he has no claim on the company for the amount either of principal or interest, no part of the latter having been received:

One bond, dated the 1st October, 1780, No. 1539,	1,16,000 - -	
One bond dated the 2d October, 1780, No. 1540,	1,16,000 - -	
One bond, dated the 23d Novem. 1780, No, 1354,	1,74,000 - -	
		4,06,000 - -

November. Paid into the treasury, and carried to the governor-general's credit in the 12th page of the Deposites Journal of 1780–81, mohurs of sorts, which had been coined in the mint and produced, as per 358 and 359 pages of the company's general journal of 1780–81,

Gold Mohurs,	12,861 12 11	
or Calcutta siccas,	2,05,788 14 9	
Batta 16 per cent.	32,926 3 6	
		2,38,715 2 3

An Account of sums received, &c.—continued.

	Brought forward, .	cr.	6,44,715 2 3
1781.			
30 April.	Paid into the treasury, and credited in the 637th page of the company's general journal, as money received from the governor-general, on account of Durbar charges,		
	Sicca rup. . 2,00,000 – –		
	Batta 16 per cent. 32,000 – –		
			2,32,000 – –
August.	Received in cash, and employed in defraying my public disbursements, and credited in the governor-general's account of Durbar charges for April, 1782 . . .		58,000 – –
	Produce of the sum mentioned in the governor-general's letter to the honorable secret committee, dated 20th January, 1782, and credited in the governor-general's account of Durbar charges for April, 1782,		10,30,275 1 3
	Current rupees .		19,64,990 3 6

(Errors excepted.)

WARREN HASTINGS.

Fort William, 22d May, 1782.

APPENDIX B. No. 5.

I, William Larkins, do make oath, and say, that the letter and account to which this affidavit is affixed, were written by me, at the request of the honorable Warren Hastings, Esq. on the 22d May, 1782, from rough draughts written by himself in my presence: that the cover of the letter was sealed up by him in my presence, and was then intended to be transmitted to England by the Lively, when that vessel was first ordered for despatch; and that it has remained closed until this day, when it was opened for the express purpose of being accompanied by this affidavit. So help me God. WILLIAM LARKINS.

Calcutta, 16th December, 1782.

Sworn this 16th day of December, 1782, before me.

J. Hyde.

APPENDIX B. No. 6.

To the Honorable the Secret Committee of the Honorable Court of Directors.

Fort William, 16 December, 1782.

HONORABLE SIRS,

THE despatch of the Lively having been protracted by various causes, from time to time, the accompanying address, which was originally designed and prepared for that despatch (no other conveyance since occurring) has of course been thus long detained. The delay is of no public consequence; but it has produced a situation which, with respect to myself, I regard as unfortunate, because it exposes me to the meanest imputation, from the occasion, which the late parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the

necessary consequence of a promise made to that effect in a former letter to your honorable committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions, to guard my reputation from dishonor.—If I had, at any time, possessed that degree of confidence from my immediate employers, which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions: how I have drawn on me a different treatment I know not; it is sufficient that I have not merited it: and in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that honorable court ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information, which I now convey to them through you; and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous reflections, which they have passed upon me, for the first communication of this kind; and your own experience will suggest to you, that there are persons who would profit by such a warning.

Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

If I appear in any unfavorable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honor or upon oath.

The sources, from which these reliefs to the public service have come, would never have yielded them to the company publicly; and the exigencies of your service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

I could have concealed them, had I had a wrong motive, from yours and the public eye for ever; and I know that the difficulties, to which a spirit of injustice may subject me, for my candor and avowal, are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them: your applause, and that of my country, are my next wish in life.

I have the honor to be, honorable sirs,
Your most faithful, most obedient,
and most humble servant,
WARREN HASTINGS.

APPENDIX B. No. 7.

Extract of the Company's General Letter to Bengal; dated the 25th of January, 1782.

Par. 127. We have received a letter from our governor-general, dated the 29th of November, 1780, relative to an unusual tender and advance of money, made by him to the council, as entered on your consultation of the 26th of June, for the purpose of indemnifying the company from the extraordinary charge, which might be incurred by supplying the detachment under the command of Major Camac, in the invasion of the Mahratta dominions, which lay beyond the

district of Gohud, and thereby drawing the attention of Mahdajee Sindia (to whom the country appertained) from General Goddard, while the general was employed in the reduction of Bassein, and in securing the conquests made in the Guzerat country; and also respecting the sum of three lacks of rupees, advanced by the governor-general for the use of the army under the command of Chimnajee Boosla, without the authority or knowledge of the council; with the reasons for taking these extraordinary steps, under the circumstances stated in his letter.

128. In regard to the first of these transactions, we readily conceive, that in the then state of the council, the governor-general might be induced to temporary secrecy respecting the members of the board, not only because he might be apprehensive of opposition to the proposed application of the money, but, perhaps, because doubts might have arisen concerning the propriety of appropriating it to the company's use, on any account: but it does *not appear to us*, that there could be any real necessity for delaying to communicate to us immediate information of the channel by which the money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event.

129. Circumstanced as affairs were at the moment, it appears that the governor-general had the measure much at heart, and judged it absolutely necessary. The means proposed of defraying the extra expense were very extraordinary; and the money, as we conceive, must have come into his hands by an unusual channel; and when more complete information comes before us we shall give our sentiments fully upon the whole transaction.

130. In regard to the application of the company's money to the army of Chimnajee Boosla, by the sole authority of the governor-general, he knew that it was entirely at his own risk, and he has taken the responsibility upon himself: nothing but the most urgent necessity could warrant the measure; nor can any thing short of full proof of such ne-

cessity, and of the propriety and utility of the extraordinary step taken on the occasion, entitle the governor-general to the approbation of the court of directors; and, therefore, as in the former instance relative to the sum advanced and paid into our treasury, we must also, for the present, *suspend* our judgment respecting the money sent to the Berar army; without approving it in the least degree, or proceeding to censure our governor-general for this transaction.

APPENDIX B. No. 8.

Extract of Bengal Secret Consultations, the 9th January, 1781.

The following letter from the governor-general having been circulated, and the request therein made complied with, an order on the treasury passed accordingly.

HONORABLE SIR AND SIRS,

HAVING had occasion to disburse the sum of three lacks of sicca rupees on account of secret services, which having been advanced from my own private cash, I request the same may be repaid to me in the following manner:—A bond to be granted me, upon the terms of the second loan, bearing date from the 1st of October, for one lack of sicca rupees: a bond to be granted me, upon the terms of the first loan, bearing date from the 1st of October, for one lack of sicca rupees: a bond to be granted me, upon the terms of the first loan, bearing date from the 2d of October, for one lack of sicca rupees.

I have the honor to be, &c. &c.

(Signed)

WARREN HASTINGS.

Fort William, 5th January, 1781.

APPENDIX B. No. 9.

An account of Bonds granted to the Governor-General, from 1*st January*, 1779, *to* 31*st May*, 1782, *with interest paid or credited thereon.*

When paid into the Treasury.	Sum.	Date of Bond.	Rate of Interest.
	CR.		
23d Nov. 1780	174,000	23d Nov., 1780	8 per cent.
15th Decem.	69,600	15th Decem.	Do.
15th Jan. 1781	116,000	1st Oct., 1780	Do.
Do.	116,000	2d Do.	Do.
Do.	116,000	1st Do.	4 per cent.
17th March	50,000	17th Mar. 1781	Do.
8th May, 1782	20,000	15th Sep. 1781	8 per cent.
Do.	15,000	8th Dec. 1781	Do.
CR.	676,600		

There does not appear to have been any interest paid on the above bonds to 31st May, 1782, the last accounts received.

In the interest book 1780–81, the last received, the governor-general has credit for interest on the first six to April, 1781, to the amount of CR. 21,964. 12. 8.

(Errors excepted.)

JOHN ANNIS,
Auditor of Indian Accounts.

East-India House, 5th June, 1783.

ARTICLES OF CHARGE

OF

HIGH CRIMES AND MISDEMEANORS,

AGAINST

WARREN HASTINGS, Esquire,

LATE GOVERNOR-GENERAL OF BENGAL.

PRESENTED TO THE HOUSE OF COMMONS

UPON THE 4TH DAY OF APRIL, 1786.

ARTICLES OF CHARGE

AGAINST

WARREN HASTINGS.

I. ROHILLA WAR.

THAT the court of directors of the East-India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East-Indies, and from an experience of the disorders and corrupt practices, which intrigues and negotiations to bring about revolutions among the country powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever:—that the said court laid it down as an *invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the country princes;* and did, in particular, order and direct that they should not engage with a certain prince called Sujah ul Dowla, nabob of Oude, and vizier of the empire, in any operations beyond certain limits in the said orders specially described.

That Warren Hastings, Esq., then governor of Fort William, in Bengal, did, with other members of the council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions; did express to the court of directors his approbation of the policy

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thereof; did declare, that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest, ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity;* did signify to the nabob of Oude the said orders, and his obligation to yield punctual obedience thereto; and did solemnly engage and promise to the court of directors, with the *unanimous concurrence* of the whole council, "that no object or consideration should either tempt or compel him to pass the political line, which they (the directors) had laid down for his operations with the vizier;" assuring the court of directors, that he "scarce saw a possible advantage, which could compensate the hazard and expense to be incurred by a contrary conduct:"—that he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the nabob himself, of the 22d of November, 1773, in the following words. "The commands of my superiors are, as I have repeatedly informed you, peremptory, that I shall not suffer their arms to be carried beyond the line of their own boundaries, and those of your excellency their ally."

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September, 1773, enter into a private engagement with the said nabob of Oude, who was the special object of the prohibition, to furnish him, for a stipulated sum of money to be paid to the East-India Company, with a body of troops for the declared purpose of "thoroughly extirpating the nation of the Rohillas:"—a nation, from whom the company had never received, or pretended to receive or apprehend, any injury whatsoever; whose country, in the month of February, 1773, by an unanimous resolution of the said Warren Hastings and his council, was included in the line of defence against the Mahrattas, and from whom the

nabob never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

That, supposing the sum of money in question to have been strictly due to the said nabob, by virtue of any engagement between him and the Rohilla chiefs, the East-India Company, or their representatives, were not parties to that engagement, or guarantees thereof, nor bound by any obligation whatever to enforce the execution of it.

That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid to extirpate the said nation, he did not make, or cause to be made, a due inquiry into the validity of the sole pretext used by the said nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation, nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission, by which the calamities of war might be avoided; as, by the high state in which the East-India Company stood as a sovereign power in the east, and the honor and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan princes against the Mahrattas, he was bound to do:—that instead of such previous inquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the nabob of Oude to the full completion of the inhuman end of the said unjustifiable enterprize, by informing him "that it would be absolutely necessary to persevere in it until it should be accomplished;" pretending that a fear of the company's displeasure was his motive for annexing the accomplishment of the enterprize as a condition of his assistance, and asserting "that he could not hazard or answer for the displeasure of the company, his masters, if they should find themselves involved in a *fruitless* war, or in an expense

for prosecuting it; "—a pretence tending to the high dishonor of the East-India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders, prohibiting all such enterprizes.—And in order further to involve the said nabob, beyond the power of retreating, he did, in the course of the proceeding, purposely put the said nabob under difficulties in case he should decline that war, and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favor, and to make concessions for it; thereby acting as if the company were principals in the hostility; and employing for this purpose much double dealing, and divers unworthy artifices, to entangle and perplex the said nabob, but by means of which he found himself (as he has entered it on record) *hampered and embarrassed in a particular manner.*

That the said compact for offensive alliance in favor of a great prince, against a considerable nation, was not carried on by projects and counter-projects in writing; nor were the articles and conditions thereof formed into any regular written instrument, signed and sealed by the parties; but the whole (both the negotiation and the compact of offensive alliance against the Rohillas) was a mere verbal engagement, the purport and conventions whereof nowhere appeared, except in subsequent correspondence, in which certain of the articles, as they were stated by the several parties, did materially differ;—a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice;—that at the time when this private verbal agreement was made by the said Warren Hastings with the nabob of Oude, a public ostensible treaty was concluded by him with the said nabob, in which there is no mention whatever of such agreement, or reference whatever to it; in defence of which omission it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be*

reserved only for very important and permanent obligations; notwithstanding he had previously declared to the said nabob, "that the points which he had proposed required much consideration, and the previous ratification of a formal agreement, before he could consent to them."—That the whole of the said verbal agreement with the nabob of Oude in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person, who might witness the same; without the intervention even of an interpreter, though he confesses that he spoke the Hindostan language *imperfectly*, and although he had with him at that time and place several persons high in the company's service and confidence, namely, the commander-in-chief of their forces, two members of their council, and the secretary to the council, who were not otherwise acquainted with the proceedings between him and the said nabob, than by such communications as he thought fit to make to them.

That the object avowed by the said Warren Hastings, and the motives urged by him, for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms: "the acquisition of forty lacks of rupees to the company, and of so much specie added to the exhausted currency of our provinces;—that it would give wealth to the nabob of Oude, of which we should participate; that the said Warren Hastings *should* always be ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his *neighbors*;—that it would ease the company of a considerable part of their military expense, and preserve their troops from inaction and relaxation of discipline;—that the weak state of the Rohillas promised an easy conquest of them; and, finally, that such was his idea of the company's distress at home, added to his knowledge of their wants abroad, that he should have been glad of *any* occasion to employ their forces, which saved so much of their pay and expenses."

That, in the private verbal agreement aforesaid for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the council of Fort William, which had limited his powers to such compacts "as were consistent with the spirit of the company's orders;" which council he afterwards persuaded, and with difficulty drew into an acquiescence in what he had done.

That the agreement, to the effect aforesaid, was settled in the said secret conferences, before the 10th of September, 1773; but the said Warren Hastings, concealing from the court of directors a matter, of which it was his duty to afford them the earliest and fullest information, did on the said 10th of September, 1773, write to the directors, and despatched his letter over land, giving them an account of the public treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the council to a concurrence in his disobedience of orders, he entered a minute in the council books, giving a false account of the transaction; in which minute he represented, that the nabob had indeed *proposed* the design aforesaid, and that he (the said Warren Hastings) *was pleased that he urged the scheme of this expedition no further;* when in reality and truth, he had absolutely consented to the said enterprise, and had engaged to assist him in it (which he afterwards admitted) and confessed that he did act in consequence of the same.

That the said Warren Hastings and his council were sensible of the true nature of the enterprize, in which they had engaged the company's arms, and of the heavy responsibility, to which it would subject himself and the council, "the personal hazard they, the council, run in undertaking so *uncommon* a measure without *positive* instructions, at

their own risk, with the eyes of the whole nation on the affairs of the company, and the passions and prejudices of almost every man in England inflamed against the conduct of the company, and the character of its servants;"—yet they engaged in the very practice which had brought such odium on the company, and on the character of its servants, though they further say, that they had continually before *their eyes the dread of forfeiting the favor of their employers*, and becoming the "objects of *popular* invectives." The said Warren Hastings himself says, at the very time when he proposed the measure, "I must confess, I entertain some doubts as to its expediency at this time, from the circumstances of the *company* at home, exposed to *popular* clamor, and all its measures liable to be canvassed in *parliament;* their charter drawing to a close, and his majesty's ministers unquestionably ready to take advantage of every unfavorable circumstance in the negotiations of its renewal." All these considerations did not prevent the said Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which the nabob endeavored to evade on a construction of the verbal treaty; and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that when, after the completion of the service, the commander-in-chief was directed to make a demand of the money, the agent of the said Warren Hastings at the same time assured the nabob, "that the demand was nothing more than matter of form, common, and even necessary in all public transactions; and that, although the board considered the claim of the government literally due, it was not the intention of administration to prescribe to his excellency *the mode or even limits of payment.*" Nor was any part of the money recovered, until the establishment of the governor-general and council by act of parliament, and their determination to withdraw the brigade from the nabob's service: the resident at his court, appointed by the said Warren Hastings, having written *that he had*

experienced much duplicity and deceit in most of his transactions with his excellency; and the said nabob and his successors falling back in other payments in the same or greater proportion, as he advanced in the payment of this debt; the consideration of lucre to the company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by any account to be depended on appears) has been obtained.

That the said nabob of Oude did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march, and subjected to his disposal by the said Warren Hastings and the council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, "by an abuse of victory;" "by the unnecessary destruction of the country;" "by a wanton display of violence and oppression, of inhumanity and cruelty;" and "by the sudden expulsion and casting down of a whole race of people, to whom the slightest benevolence was denied." When prayer was made not to dishonor the begum (a princess of great rank, whose husband had been killed in battle) and other women, by *dragging them about the country, to be loaded with the scoffs of the nabob's rabble, and otherwise still worse used,* the nabob refused to listen to the entreaties of a British commander-in-chief in their favor; and the said women of high rank were exposed, not only to the vilest personal indignities, but even to absolute want; and these transactions being by Colonel Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future, by means which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to control the conduct of the vizier in the treatment of his subjects: and that Colonel Champion desisted from making further representations on this

subject to the said Warren Hastings, being apprehensive of having already run some risk of displeasing, by perhaps a too free communication of sentiments.—That in consequence of the said proceedings, not only the eminent families of the chiefs of the Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation, as a *garden* not having *one spot* in it of *uncultivated* ground, and from being *in the most flourishing state that a country could be*, was, by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

That the East-India Company, having had reason to conceive, that for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March, 1770, in the following tenor.—"The governor singly shall correspond with the country powers: but *all* letters, before they shall be by him sent, must be communicated to the other members of the select committee, and receive their approbation; and also *all* letters *whatsoever*, which may be received by the governor, in answer to, or in course of correspondence, shall likewise be laid before the said select committee, for their information and consideration."—And that in their instructions to their governor-general and council, dated 30th March, 1774, they did repeat their orders to the same purpose and effect.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did communicate all his correspondence with Mr. Middleton, the company's agent at the court of the soubah of Oude, or with Colonel Champion, the commander-in-chief of the company's forces in the Rohilla war, to the select committee;

and when afterwards, that is to say, on the 25th of October, 1774, he was required by the majority of the council appointed by the act of parliament of 1773, whose opinion was, by the said act, directed to be taken as the act of the whole council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion, for the direction of their future proceedings relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient; covering his said illegal refusal under general vague pretences of secrecy and danger from the communication; although the said order and instruction of the court of directors, above mentioned, was urged to him, and although it was represented to him by the said council, that they, as well as he, were bound by an oath of secrecy; which refusal to obey the orders of the court of directors (orders specially and on weighty grounds of experience pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds on which the Rohilla war had been undertaken.

That the said Warren Hastings, in the grounds alleged in his justification of his refusal to communicate to his colleagues in the superior council, his correspondence with Mr. Middleton, the company's resident at Oude, was guilty of a new offence; arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the company's servants; the said Warren Hastings, insisting that Mr. Middleton, the company's covenanted servant, the public resident for transacting the company's affairs at the court of the soubah of Oude, and as such receiving from the company a salary for his service, was no other than the *official agent* of him, the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

That the court of directors, and afterwards a general court of the proprietors of the East-India Company, although the letter showed favorable dispositions towards the said Warren Hastings, and expressed (but without assigning any ground or reason) the highest opinion of his services and integrity, did unanimously condemn (along with his conduct relative to the Rohilla treaty and war) his refusal to communicate his whole correspondence with Mr. Middleton to the superior council; yet the said Warren Hastings, in defiance of the opinion of the directors, and the unanimous opinion of the general court of the said East-India Company, as well as the precedent positive orders of the court of directors, and the injunctions of an act of parliament, has, from that time to the present, never made any communication of the whole of his correspondence to the governor-general and council, or to the court of directors.

II. SHAW ALLUM.

THAT, in a solemn treaty of peace, concluded the 16th of August, 1765, between the East-India Company and the late nabob of Oude, Shuja ul Dowla, and highly approved of, confirmed, and ratified by the said company, it is agreed, "That the king Shaw Allum shall remain in full possession of Corah, and such part of the province of Illiabad as he now possesses, which are ceded to his majesty as a royal demesne, for the support of his dignity and expenses."—That in a separate agreement, concluded at the same time between the king Shaw Allum and the then subadar of Bengal, under the immediate security and guarantee of the English company, the faith of the company was pledged to the said king for the annual payment of twenty-six lacks of rupees, for his support, out of the revenues of Bengal; and that the said company did then receive from the said king a grant of the dewanny of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payment above mentioned;—that the East-India Company have held, and continue to hold, the dewanny so granted, and for some years have complied with the conditions on which they accepted of the grant thereof; and have at all times acknowledged that they held the dewanny *in virtue of the mogul's grants.*—That the said court of directors, in their letter of the 30th June, 1769, to Bengal, declared, "that they esteemed themselves bound by treaty to protect the king's person, and to secure him the possession of the Corah and Illiabad districts;" and, supposing an agreement should be made respecting these provinces, between the king and Shuja ul Dowla, the directors then said, "that they should be subject to no further claim or requisition from the king, except-

ing for the stipulated tribute for Bengal, which they (the governor and council) were to pay to his agent, or remit to him in such manner as he might direct."

That, in the year 1772, the king Shaw Allum, who had hitherto resided at Allahabad, trusting to engagements which he had entered into with the Mahrattas, quitted that place, and removed to Delhi; but, having soon quarrelled with those people, and afterwards being taken prisoner, had been treated by them with very great disrespect and cruelty:— that, among other instances of their abuse of their immediate power over him, the governor and council of Bengal, in their letter of the 16th of August, 1773, inform the court of directors, that he had been *compelled, while a prisoner in their hands, to grant sunnuds for the surrender of Corah and Illiabad to them;* and it appears, from sundry other minutes of their own, that the said governor and council did at all times consider the surrender above mentioned as *extorted* from the king, and *unquestionably an act of violence*, which could not alienate or impair his right to those provinces; and that, when they took possession thereof, it was at the request of the king's naib or viceroy, who put them under the council's *protection;* that on this footing they were accepted by the said Warren Hastings and his council, and for some time considered by them as a deposit committed to their care by a prince, to whom the possession thereof was particularly guarantied by the East-India Company.— In their letter of the 1st of March, 1773, they (the said Warren Hastings and his council) say, "In no shape can this compulsatory cession by the king release us from the obligation we are under to defend the provinces, which we have so particularly guarantied to him." But it appears that they soon adopted other ideas, and assumed other principles, concerning this object. In the instructions dated the 23d of June, 1773, which the council of Fort William gave to the said Warren Hastings, previous to his interview with the nabob Shuja ul Dowla at Benares, they say, that, "while the

king continued at Delhi, whither he proceeded in opposition to their most strenuous remonstrances, they should certainly consider the engagements between him and the company as dissolved, by his alienation from them and their interest; that the possession of so remote a country could never be expected to yield any profit to the company, and the defence of it must require a perpetual aid of their forces;" yet, in the same instructions, they declare their opinion, that, "if the king should make overtures to renew his former connection, *his right to reclaim the districts of Corah and Illiabad could not with propriety be disputed;*" and they authorize the said Warren Hastings to restore them to him, *on condition that he should renounce his claim to the annual tribute of twenty-six lacks of rupees*, hereinbefore mentioned, *and to the arrears which might be due;*—thereby acknowledging the justice of a claim, which they determined not to comply with, but in return for the surrender of another equally valid;—that, nevertheless, in the treaty concluded by the said Warren Hastings with Shuja ul Dowla, on the 7th of September, 1773, it is asserted, that his majesty (meaning the king Shaw Allum) "having abandoned the districts of Corah and Illiabad, and given a sunnud for Corah and Currah to the Mahrattas, had thereby forfeited his right to the said districts;" although it was well known to the said Warren Hastings, and had been so stated by him to the court of directors, that this surrender on the part of the king had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas; and although it was equally well known to the said Warren Hastings that there was nothing in the original treaty of 1765 which could restrain the king from changing the place of his residence, consequently that his removal to Delhi could not occasion a ferfeiture of his right to the provinces secured to him by that treaty.

That the said Warren Hastings, in the report which he made of his interview and negotiations with Shuja ul Dowla,

dated the 4th of October, 1773, declared "that the administration would have been culpable in the highest degree in retaining possession of Corah and Illiabad *for any other purpose than that of making an advantage by the disposal of them*," and therefore he had ceded them to the vizier for fifty lacks of rupees; a measure for which he had no authority whatever from the king Shaw Allum, and in the execution of which no reserve whatever was made in favor of the rights of that prince, nor any care taken of his interests.

That the sale of these provinces to Suja Dowla involved the East-India Company in a triple breach of justice, since, by the same act, they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them;—that a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of public honor, and shaking all security in the faith of treaties; but that, in reality, the pretences, urged by the said Warren Hastings, for selling the king's country to Suja Dowla, were false and invalid. It could not strengthen our alliance with Shuja ul Dowla; since, paying a price for a purchase, he received no favor, and incurred no obligation. It did not free the company from all the dangers attending either a remote property or a remote connection; since, the moment the country in question became part of Suja Dowla's dominions, it was included in the company's former guarantee of those dominions, and in case of invasion the company were obliged to send part of their army to defend it, at the requisition of the said Suja Dowla: and if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprize to engage the company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the company's frontier; which, nevertheless, the said Warren Hastings agreed to, and undertook at the very time when, under

pretence of the difficulty of defending Corah and Illiabad, he sold those provinces to Suja Dowla. It did not relieve the company from the *expense* of defending the country, since the revenues thereof far exceeded the subsidy to be paid by Suja Dowla, and these revenues justly belonged to the company as long as the country continued under their protection, and would have answered the expense of defending it. Finally, that the sum of fifty lacks of rupees, stipulated with the said Suja Dowla, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lacks of rupees, which General Sir Robert Barker, then commander-in-chief of the company's forces, affirms *was certain, and too generally known to admit of a doubt.*

That the king Shaw Allum received, for some years, the annual tribute of twenty-six lacks of rupees above-mentioned, and was entitled to continue to receive it, by virtue of an engagement deliberately and for an adequate consideration entered into with him by the company's servants, and approved of and ratified by the company themselves;—that this engagement was absolute and unconditional, and did neither express nor suppose any case in which the said king should forfeit, or the company should have a right to resume, the tribute;—that, nevertheless, the said Warren Hastings and his council, immediately after selling the king's country to Suja Dowla, resolved to withhold, and actually withheld, the payment of the said tribute, of which the king Shaw Allum has never since received any part;—that this resolution of the council is not justified, even by themselves, on principles of right and justice, but by arguments of policy and convenience, by which the best founded claims of right and justice may at all times be set aside and defeated. "They judged it highly impolitic and unsafe to answer the drafts of the king, until they were satisfied of his amicable intentions, and those of his new allies." But neither had they any reason to question the king's amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the

good faith of that people, and relying on their assistance to reinstate him in the possession of his capital, might have been imprudent and impolitic; but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain that the said Warren Hastings and his council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments.* The *right* of a creditor does not depend on the circumstances of the debtor; on the contrary, the plea of inability includes a virtual acknowledgment of the debt, since, if the creditor's right were denied, the plea would be superfluous.

That the East-India Company, having on their part violated the engagements and renounced the conditions on which they received and have hitherto held and enjoyed the dewanny of Bengal, Bahar, and Orissa, from the king Shaw Allum, have thereby forfeited all right and title to the said dewanny arising from the said grant, and that it is free and open to the said king to resume such grant, and to transfer it to any other prince or state;—that, notwithstanding any distress or weakness to which he may be actually reduced, his lawful authority, as sovereign of the Mogul empire, is still acknowledged in India, and that his grant of the dewanny would sufficiently authorize and materially assist any prince or state that might attempt to dispossess the East-India Company thereof, since it would convey a right which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed than they have been lately by the said Warren Hastings himself, who, in a minute, recorded the 1st of December, 1784, has declared that, "fallen as the house of Timur is, it is yet the relic of the most illustrious line of the eastern world;—that *its sovereignty is universally acknowledged,*

though the substance of it no longer exists; and that the company itself derives its constitutional dominion from its ostensible bounty."

That the said Warren Hastings, by this declaration, has renounced and condemned the principle on which he avowedly acted towards the mogul in the year 1773, when he denied that the sunnuds or grants of the mogul, if they were in the hands of another nation, would avail them any thing; and when he declared "that the sword, which gave us the dominion of Bengal, must be the instrument of its preservation, and that, if it should ever cease to be ours, the next proprietor would derive his *right* and possession from the same *natural charter*." That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made, or to principles avowed on other occasions by himself; and particularly that, in his conduct to Shaw Allum, he first maintained that the grants of that prince were of no avail, that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion; whereas, at a later period, he has declared that the sovereignty of the family of Shaw Allum is universally acknowledged, and that the company itself derives its constitutional dominion from their ostensible bounty.

III. BENARES.

PART I.

RIGHTS AND TITLES OF THE RAJAH OF BENARES.

I. THAT the territory of Benares is a fruitful, and has been, not long since, an orderly, well cultivated, and improved province, of great extent; and its capital city, as Warren Hastings, Esq. has informed the court of directors, in his letter of the 21st of November, 1781, "is highly revered by the natives of the Hindû persuasion; so that many, who have acquired independent fortunes, retire to close their days in a place so eminently distinguished for its sanctity:" and he further acquaints the directors "that it may rather be considered as the seat of the Hindû religion, than as the capital of a province. But as its inhabitants are not composed of Hindûs only, the *former* wealth, which flowed into it from the offerings of pilgrims, as well as from the transactions of exchange, for which its central situation is adapted, has attracted numbers of Mahomedans, who still continue to reside in it with their families." And these circumstances of the city of Benares, which not only attracted the attention of all the different descriptions of men who inhabit Indostan, but interested them warmly in whatever it might suffer, did in a peculiar manner require that the governor-general and council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependent on the company, on the most distinguished principles of good faith, equity, moderation, and mildness.

II. That the Rajah Bulwant Sing, late prince or zemindar of the province aforesaid, was a great lord of the Mogul

empire, dependent on the same, through the vizier of the empire, the late Sujah ul Dowla, nabob of Oude; and the said Bulwant Sing, in the commencement of the English power, did attach himself to the cause of the English company; and the court of directors of the said company did acknowledge, in their letter of the 26th of May, 1768, that "Bulwant Sing's joining us at the time he did was of *signal service*, and the stipulation in his favor was what he was justly entitled to:"—and they did commend "the care that had been taken (by the then presidency) of those that had shown their attachment to them (the company) during the war;" and they did finally express their hope and expectation in the words following: "The moderation and attention, paid to those who have espoused our interests in this war, will *restore* our reputation in Hindostan, and that the Indian powers will be convinced, NO *breach of treaty will ever have our sanction.*"

III. That the Rajah Bulwant Sing died on the 23d of August, 1770; and his son, Cheit Sing, succeeding to his rights and pretensions, the presidency of Calcutta (John Cartier, Esq. being then president) did instruct Captain Gabriel Harper to procure a confirmation of the succession to his son Cheit Sing, "as it was of the utmost political import to the company's affairs; and that the young man ought not to consider the price to be paid to satisfy *the vizier's jealousy and avarice.*" And they did further declare as follows: "The strong and inviolable attachment, which subsisted betwixt the company and the father, makes us most readily interpose our good offices for the son." And the young rajah aforesaid having agreed, under the mediation of Captain Harper, to pay near £200,000 as a gift to the said vizier, and to increase his tribute by near £30,000 annually, a deed of confirmation was passed by the said vizier to the said rajah and his heirs, by which he became a purchaser for valuable considerations of his right and inheritance in the zemindary aforesaid. In

consequence of this grant, so by him purchased, the rajah was solemnly invested with the government in the city of Benares, "amidst the acclamations of a numerous people, and to the great satisfaction of all parties." And the said Harper, in his letter of the 8th October, 1770, giving an account of the investiture aforesaid, did express himself in these words: "I will leave the young rajah and others to acquaint you how I have conducted myself; only thus much let me say, that I have kept a strict eye not to diminish our national honor, disinterestedness, and justice; which I will conclude has had a greater effect in securing to the company their vast possessions, than even the force of arms, however formidable, could do." The president of Calcutta testified his approbation of the said Harper's conduct in the strongest terms, that is, in the following: "Your disinterestedness has been equally distinguishable as your abilities, and both do you the greatest honor."

IV. That the agreement between the rajah and nabob aforesaid continued on both sides without any violation, under the sanction and guarantee of the East-India Company, for three years; when Warren Hastings, Esq., being then president, did propose a further confirmation of the said grant; and did, on the 12th of October, 1773, obtain a delegation for himself to be the person to negotiate the same; it being his opinion, as expressed in his report of October 4th, 1773, that the rajah was not only entitled to the inheritance of his zemindary by the grants through Captain Harper, but that the preceding treaty of Illiabad, though literally expressing no more than a security personal to Bulwant Sing, did, notwithstanding, in the true sense and import thereof, extend to his posterity; "and that it had been differently understood (that is, not literally) by the company, and by this administration; and the vizier had *before* put it out of all dispute by the solemn act, passed in the rajah's favor on his succession to the zemindary."

V. That the council, in their instructions to the said Governor Hastings, did empower him "to *renew*, in behalf of the Rajah Cheit Sing, the stipulation which was formerly made with the vizier, in consideration of his services in 1764;" and the government was accordingly settled on the rajah and his posterity, or to his heirs, on the same footing on which it was granted to his said father, excepting the addition aforesaid to the tribute; with an express provision "that *no increase* shall ever hereafter be demanded." And the grant and stipulation aforesaid was further confirmed by the said Sujah ul Dowla, under the company's guarantee, by the most solemn and awful form of oath known in the Mahomedan religion, inserted in the body of the deed or grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the rajah, and of the injustice, malice, and avarice of the said Sujah Dowla, and the known family enmity subsisting between him and the rajah, did declare, in his report to the council, as follows: "I am well convinced that the rajah's inheritance, and perhaps his life, are no longer safe than while he enjoys the company's protection, which is his due by the ties of justice and the obligations of public faith."

VI. That, some time after the new confirmation aforesaid, that is to say, in the year 1774, the governor-general and council, which had been formed, and the members thereof appointed, by act of parliament, did obtain the assignment of the sovereignty paramount of the said government by treaty with the nabob of Oude; by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the rajah of Benares remained; as the said nabob of Oude could transfer to the East-India Company no other or greater estate than he himself possessed in or over the said zemindary. But, to obviate any misconstruction on the subject, the said Warren Hastings did propose to the board that, whatever provision might in the said treaty be made for the

interest of the company, the same should be "without an encroachment on the just rights of the rajah, or the *engagements actually subsisting with him.*"

VII. That the said Warren Hastings, then having, or pretending to have, an extraordinary care of the interest of the rajah of Benares, did, on his transfer of the sovereignty, propose a new grant to be conveyed in new instruments to the said rajah, conferring upon him further privileges, namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death; and he, the said Warren Hastings, as governor-general, did himself propose the resolutions for that purpose in council, in the following words, with remarks explanatory of the principles upon which the grants aforesaid were made: namely,—

(Minute.)

VIII. "That the perpetual and *independent* possession of the zemindary of Benares and its dependencies be *confirmed* and guarantied to the Rajah Cheit Sing and his heirs for ever, *subject only to the annual payment of the revenues hitherto paid to the late vizier*, amounting to Benares sicca rupees, 23,71,656,12, to be disposed of as is expressed in the following article; *that no other demand be made on him either by the nabob of Oude, or this government; nor any kind of authority or jurisdiction be exercised by either within the districts assigned to him.*" To which minute he, the said Warren Hastings, did subjoin the following observation in writing, and recorded therewith in the council books, that is to say; "*The rajah of Benares, from the situation of his country, which is a frontier to the provinces of Oude and Bahar, may be made a serviceable ally to the company, whenever their affairs shall require it. He has always been considered in this light, both by the company and the successive members of the late council; but to insure his attachment to the company his interest must be connected with it, which*

cannot be better effected than by freeing him totally from the REMAINS of his present vassalage, under the guarantee and protection of the company; and at the same time guarding him against any apprehensions from this government, by thus pledging its faith that no encroachment shall ever be made on his rights by the company." And the said Warren Hastings, on the 5th of July, 1775, did himself propose, among other articles of the treaty relative to this object, one of the following tenor: "that, whilst the rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this government, *no more demands* shall be made upon him, by the honorable company, of ANY KIND; nor, on any pretence whatsoever, shall any person be allowed to interfere with his authority, or to disturb the peace of his country." And the said article was, by the other members of the council, assented to without debate.

IX. On transferring the rajah's tribute from the nabob to the company, the stipulation with the nabob was renewed on the proposition of the said Warren Hastings himself, and expressed in a yet more distinct manner; namely, "that no more demands shall be made upon him, by the honorable company, of any kind;" and the said Warren Hastings, in justification of his proposal of giving the rajah "a complete and uncontrolled authority over his zemindary," did enter on the council book the following reasons for investing him with the same; strongly indicating the situation in which he must be left under any other circumstances, whether under the nabob of Oude, or under the English, or under the double influence of both: "that the security of his person and possessions, from the company's protection, may be rated equal to many lacks of rupees, *which, though saved to him, are no loss to the government, on which he depends, being all articles of invisible expense;* in fees to the ministers and officers of the nabob; in the charges of a double establishment of

vackeels to both governments; in presents and charges of accommodation to the nabob, during his residence at any place within the boundaries of his zemindary; in *the frauds, embezzlements, and oppressions exercised in the mint and cutwally;* besides the allowed profits of those officers, and the advantages, which every man, *in occasional power, or in the credit of it, might make of the rajah's known weakness,* and the dread he stood in, both of the displeasure of the nabob, *and the ill-will of individuals among the English, who were all considered, either in their present stations or connections, or the right of succession, as members of the state of Bengal.* It would be scarce possible to enumerate all the inconveniences, to which the rajah was liable *in his former situation,* or to estimate the precise effect which they produced on his revenue, and on the gross amount of his expense; but it may be easily conceived, that both were enormous, and of a nature the most likely to lessen the profits of government, instead of adding to them." And in justification of his proposal of giving the rajah the symbols of sovereignty in the power of life and death, and in the coining of money, as pledges of his *independence,* he states the deplorable situation of princes reduced to dependence on the vizier or the company, and obliged to entertain an English resident at their court, in the following words: "It is proposed to receive the payment of his (the rajah's) rents at Patna, because that is the nearest provincial station, and because it would not frustrate the *intention of rendering the rajah independent.* If a resident was appointed to receive the money, as it became due, at Benares, *such a resident* would unavoidably acquire an influence over the rajah, and over his country, *which would in effect render him the master of both.* This consequence might not perhaps be brought completely to pass without a *struggle, and many appeals to council,* which, in a government constituted like this, cannot *fail to terminate against the rajah; and by the construction, to which his opposition to the agent would be liable, might eventually draw on him*

severe restrictions, and reduce him to the mean and depraved state of a mere zemindar.

X. That in order to satisfy the said rajah of the intentions of the company towards him, and of the true sense and construction of the grants to him, the said rajah, to be made, the governor-general (he the said Warren Hastings) and council did, on the 24th August, 1775, instruct Mr. Fowke, the resident at the rajah's court, in the following words: "It is proper to assure the rajah we do not mean to increase his tribute, but to require from him an exact sum. That, under the sovereignty of the company, we are determined to leave him the free and uncontrolled management of the internal government of his country, and the collection and regulation of the revenues, so long as he adheres to the terms of his engagement; and will never demand any augmentation of the annual tribute which may be fixed."

XI. That the said Warren Hastings and the council general, not being satisfied with having instructed the resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve that a letter should be written by the governor-general himself to the rajah of Benares, to be delivered to Mr. Fowke the resident, together with his credentials; in which letter they declare "the board willing to continue the grant of the zemindary to him, in as *full and ample a manner as he possessed it from former sovereigns;* and on his paying the annual tribute, &c." And in explaining the reasons for granting to him the mint and criminal justice, they inform him, that this is done in order "that he may possess an *uncontrolled and free authority* in the regulation and government of his zemindary."

XII. That, on the 26th February, 1776, the board and

council did order that the proper instruments should be prepared for conveying to the rajah aforesaid, the government and criminal justice and mint of Benares, with its dependencies, "in the usual form; *expressing the conditions already resolved on in the several proceedings of the board.*" And on the same day a letter was written to the resident at Benares, signifying that they had ordered the proper instruments to be prepared, specifying the terms concerning the remittance of the rajah's tribute to Calcutta, as well as "*the several other conditions which had been already agreed to;* and that they should forward it to him, to be delivered to the rajah." And on the 20th of March following, the board did again explain the terms of the said tribute in a letter to the court of directors; and did add, "that a sannud (grant or patent) for his (Cheit Sing's) zemindary should be furnished him *on these and the conditions before agreed on.*"

XIII. That during the course of the transactions aforesaid in council, and the various assurances given to the rajah and the court of directors, certain improper and fraudulent practices were used with regard to the symbols of investiture, which ought to have been given, and the form of the deeds, by which the said zemindary ought to have been granted: for it appears that the original deeds were signed by the board on the 4th September, 1775, and transmitted to Mr. Fowke, the resident at the rajah's court; and that on the 20th of November following, the court of directors were acquainted by the said Warren Hastings and the council, that Rajah Cheit Sing had been invested with the sannud (charters or patents) for his zemindary, and the kellaut (or robes of investiture) in all the proper forms. But, on the 1st of October, 1775, the rajah did complain to the governor-general and council, that the kellaut (or, robes) with which he was to be invested according to their order, "*is not of the same kind* as that which he received from the late vizier

on the like occasion." In consequence of the said complaint, the board did, in their letter to the resident of the 11th of the same month, desire him "to make inquiry respecting the nature of the kellaut, and invest him with *one of the same sort* on the part of this government, instead of that which they formerly described to him." And it appears highly probable, that the instruments which accompanied the said robes of investiture were made in a manner conformable to the orders and directions of the board, and the conditions by them agreed to; as the rajah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them from those he had formerly received from the vizier. But *a copy or duplicate of the said deeds or instruments was in some manner surreptitiously disposed of, and withheld from the records of the company, and never was transmitted to the court of directors.*

XIV. That several months after the said settlement and investiture, namely, on the 15th of April, 1776, the secretary informed the court that he had prepared a sannud, cabbolut, and pottah (that is, a patent, an agreement, and a rent roll) for Cheit Sing's zemindary; and the board ordered the same to be executed. But the resident, on receiving the same, did transmit the several objections made by the rajah thereto, and particularly to a clause in the patent, made in direct contradiction to the engagements of the council so solemnly and repeatedly given; by which clause the former patents are *declared to be null.* That on the representation aforesaid, on the 29th July, the secretary was ordered to prepare new and proper instruments, *omitting the clause declaring the former patents to be null,* and the said new patents were delivered to the rajah; and the others, which he objected to, as well as those which had been delivered to him originally, were returned to the presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid,

nor the new instruments made out on the complaint of the rajah, omitting the exceptionable words, have been inserted in the records, although it was the particular duty of the said Warren Hastings that all transactions with the country powers should be faithfully entered; as well as to take care that all instruments transmitted to them, on the faith of the company, should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the company: giving, by the said complicated, artificial, and fraudulent management, as well as by his said omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.

PART II.

DESIGNS OF MR. HASTINGS TO RUIN THE RAJAH OF BENARES.

I. That the tribute transferred to the company by the treaty with the nabob of Oude, being £250,000 a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such punctual exactness, as had no parallel in the company's dealings with any of the native princes, or with any subject zemindar, being the only one who never was in arrears; and, according to all appearance, a perfect harmony did prevail between the supreme council at Calcutta and the rajah. But though the rajah of Benares furnished no occasion of displeasure to the board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he,

the said Warren Hastings, retracted his own act of resignation of his office, made to the court of directors through his agent Mr. Maclean; and calling in the aid of the military to support him in his authority brought the divisions of the government, according to his own expression, "to an extremity bordering on civil violence." This extremity he attributes, in a narrative by him transmitted to the court of directors, and printed, not to his own fraud and prevarication, but to what he calls "an attempt to wrest from him his authority;" and in the said narrative he pretends that the rajah of Benares had deputed an agent with an express commission to his opponent Sir John Clavering.—This fact, if it had been true (which is not proved) was in no sort criminal or offensive to the company's government; but was at first sight nothing more than a proper mark of duty and respect to the supposed succession of office. Nor is it possible to conceive in what manner it could offend the said Hastings, if he did not imagine that the express commission, to which in the said narrative he refers, might relate to the discovery to Sir John Clavering of some practice, which he might wish to conceal; the said Clavering, whom he styles "*his opponent*," having been engaged, in obedience to the company's express orders, in the discovery of sundry peculations, and other evil practices, charged upon the said Hastings. But although, at the time of the said pretended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained); and some years after he recorded it in his justification of his oppressive conduct towards the rajah, urging the same with great virulence and asperity as a proof or presumption of his, the said rajah's, disaffection to the company's government; and by his subsequent acts, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

II. That having obtained, in his casting vote, a majority in council on the death of Sir John Clavering and Mr. Monson, he did suddenly, and without any previous general communication with the members of the board, by a minute of consultation of the 9th of July 1778, make an extraordinary demand, namely, "that the rajah of Benares should *consent* to the establishment of three regular battalions of sepoys, *to be raised and maintained at his own expense;*" and the said expense was estimated at between £50,000 and £60,000 sterling.

III. That the said requisition did suppose the *consent* of the rajah, the very word being inserted in the body of his, the said Warren Hastings's minute; and the same was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr Wheler soon after finding that the rajah was much alarmed by his departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere, and by his casting vote alone did carry the said unjust and oppressive demand. The rajah submitted, after some murmuring and remonstrance, to pay the sum required; but on the express condition, (as has been frequently asserted by him to the said Warren Hastings, without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent.* He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: but although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before-mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole: and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards

eminent persons in alliance with, and in honorable and free dependence upon, its government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved; and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. That the said Hastings did cause the said sums of money to be rigorously exacted, although no such regular battalions, as he pretended to establish as a color for his demands on the rajah, were then raised, or any steps taken towards raising them. And when the said rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanor, did order the resident to wait on the rajah forthwith, and "demand of him in person, and by writing, the full payment in specie to be made to him within five days of such demand; and to declare to him, in the name of this government, that his evading or neglecting to accomplish the payment thereof, within that space of time, should be deemed *equivalent to an absolute refusal;* and in case of non-compliance with this (the resident's) demand *we peremptorily enjoin you to refrain from all further intercourse with him:*" the said Hastings appearing, by all his proceedings, to be more disposed to bring on a quarrel with the prince of Benares, rather than to provide money for any public service.

IV. That the said demand was complied with, and the whole thereof paid on the 10th of October, that year. And the said rajah did write to the said Hastings a letter, in order to mitigate and mollify him, declaring to the said Hastings, that his sole reliance was on him, "and that in every instance he depended on his faith, religion, promises, and actions." But he, the said Warren Hastings, as if the being reminded of his faith and promises were an incentive to him to violate the same, although he had agreed that his demand

should not be drawn into precedent, and the payment of the £50,000 aforesaid should continue only for one year, did, the very day after he had received the letter aforesaid, renew a demand of the same nature, and on the very same pretence, this year, even less plausible than the former, of three battalions *to be* raised. The said rajah, on being informed of this requisition, did remind the said Warren Hastings that he engaged, in the last year, that but one payment should be made, and that he should not be called upon in future; and pleading inability to discharge the new demand, declared himself in the following words to the said Warren Hastings:—"I am therefore hopeful you will be kindly pleased to excuse me the five lacks now demanded, and that nothing may be demanded of me beyond the amount expressed in the pottah."

V. That on the day after the receipt of this letter, that is, on the 28th August, 1779, he, the said Warren Hastings, made a reply to the said letter; and without any remark whatsoever on the allegation of the rajah, stating to him his engagement, that he, the said rajah, should not be called upon in future, he says, "I now repeat my demand, that you do, on the receipt of this, without evasion or delay, pay the five lacks of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you; and in case of your refusal, to summon the two battalions of sepoys, under the command of Major Camac, to Benares, that measures may be taken to oblige you to a compliance: and, in this case, the whole expense of the corps, from the time of its march, will fall on you."

VI. That the said rajah did a second and third time represent to the said Warren Hastings, that he had broken his promise, and the said Hastings did in no manner deny the same: but did, in contempt thereof, as well as of the original treaty between the company and the rajah, order two

battalions of troops to march into his territories, and in a manner the most harsh, insulting, and despotic, as if to provoke that prince to some act of resistance, did compel him to the payment of the said second unjust demand; and did extort also the sum of £2,000 on pretence of the charge of the troops employed to coerce him.

VII. That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed; and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes and offences of the highest order: and although in the regular subsidy or tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days, one quarter per cent. only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume, of his own authority, to impose a fine or mulct of £10,000 on the said rajah; and though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order from the said Hastings, for the march of troops into the country of Benares, as in the preceding year.

VIII. That these violent and insulting measures failing to provoke the rajah, and he having paid up the whole demand, the said Warren Hastings, being resolved to drive him to extremities, did make on the said rajah a sudden demand, over and above the ordinary tribute or subsidy of £260,000 per annum, and over and above the £50,000 extraordinary, to provide a body of cavalry for the service of the Bengal government.

IX. The demand, as expressed in the minute of consultation, and in the public instructions of the board to the resi-

dent to make the requisition, is, "for such part of the cavalry entertained in his service as he can spare;" and the demand is in this and in no other manner described by the governor-general and council in their letter to the court of directors. But in a narrative of the said Warren Hastings, addressed to Edward Wheler, Esquire, it appears, that upon the rajah's making difficulties, according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry *as the rajah could spare*, and which was all that by the order of council he was authorized to make, did, of his own private and arbitrary authority, in some letter which he hath suppressed, instruct the resident, Markham, to make a peremptory demand for 2000 cavalry, which he well knew to be more than the rajah's finances could support, estimating the provision for the same at £96,000 a year at the lowest, though the expense of the same would probably have been much more: which extravagant demand the said Hastings could only have made in hopes of provoking the rajah to some imprudent measure, or passionate remonstrance. And this arbitrary demand of cavalry was made, and peremptorily insisted on, although in the original treaty with the said rajah, it was left entirely optional whether or not he should keep up any cavalry at all; and in the minute of consultation it was expressly mentioned to be thus optional; and for whatsoever cavalry he, the said rajah, should furnish, he should be paid fifteen rupees per month for each private, and so in proportion for officers; yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

X. That the said Hastings did soon after, but upon what ground does not appear by any minute of council, or from any correspondence contained in his narrative, reduce the

demand to fifteen hundred, and afterwards to one thousand by which he showed himself to be sensible of the extravagance of his first requisition.

XI. That in consequence of these requisitions, as he asserts in his narrative aforesaid, the rajah "did offer two hundred and fifty horse, but sent none." But the said Hastings doth not accompany his said narrative with any voucher or document whatever; and therefore the account given by the rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings himself in his narrative, and in no part thereof attempted to be impeached, is more worthy of credit; that is to say,

"With respect to the horse, you desired me in your letter to inform you what number I could afford to station with you. I sent you a particular account of all that were in my service, amounting to one thousand three hundred horse, of which several were stationed at distant places; but I received no answer to this. Mr. Markham delivered me an order to prepare a thousand horse. In compliance with your wishes, I collected five hundred horse, and a substitute for the remainder, five hundred burkundasses [matchlock men], of which I sent you information; and I told Mr. Markham that they were ready to go to whatever place they should be sent. No answer, however, came from you on this head, and I remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse; but he told me, that he did not know the reason of no answer having been sent. I remained astonished."

XII. That the said Hastings is guilty of an high offence, in not giving an answer to letters of such importance, and in concealing the said letters from the court of directors, as well as much of his correspondence with the residents; and more particularly in not directing to what place the cavalry and matchlock men aforesaid should be sent, when the rajah

had declared they were ready to go to whatever service should be destined for them, and afterwards in maliciously accusing the rajah for not having sent the same.

XIII. That, on the 3d of February, 1781, a new demand for the support of the three fictitious battalions of sepoys aforesaid was made by the said Warren Hastings: but, whilst the rajah was paying by instalments the said arbitrary demand, the said rajah was alarmed with some intelligence of secret projects on foot for his ruin; and being well apprized of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem himself by a large ransom, to the amount of £200,000 sterling, to be paid for the use of the company. And it appears that the said alarm was far from groundless; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the 4th of December, 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect: that is to say, "that the said Warren Hastings had told him, the said Palmer, that he, the said Hastings, had rejected the offer of £200,000 made by the rajah of Benares for the public service; and that he was resolved *to convert the faults committed by the rajah into a public benefit*, and would exact the sum of £500,000 as a punishment for his breach of engagements with the government of Bengal, and acts of misconduct in his zemindary; and, if the rajah should absolutely refuse the demand, that he would deprive him of his zemindary, or transfer the sovereignty thereof to the nabob of Oude."

XIV. And Mr. Anderson, in his declaration from Scindia's camp, on the 4th of January, 1782, did also at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither the time nor place where the same was

held); in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the rajah in paying the aforesaid extra demand, and his resolution to exact from the rajah "a considerable sum of money to the relief of the company's exigencies," he proceeds in the following words: "that if he (the rajah) consented, you (the said Warren Hastings) were desirous of *establishing his possessions on the most permanent and eligible footing;* but, if he refused, you had it in your power to *raise a large sum* for the company, by accepting an offer which had been made for his districts by the vizier." And the said Anderson, in the declaration aforesaid, made at the request of the said Hastings, and addressed to him, expressed himself as follows: "that you told me you had communicated our designs to Mr. Wheler (his only remaining colleague); and I believe, but I do not positively recollect, you said he concurred in them." But no trace of any such communication or concurrence did, at the time referred to, or at any time ever after, appear on the consultations, as it ought to have done; and the said Hastings is criminal for having omitted to enter and record the proceeding. That the said Wheler did also declare, but a considerable time after the date of the conversations aforesaid, that, "on the eve of the governor-general's departure, the said Hastings had told him, that the rajah's offences (not stating what offences, he having paid up all the demands, ordinary and extraordinary) *were declared* to require early punishment; and as his *wealth was great, and the company's exigencies pressing*, it was thought a measure of policy and justice to exact from him a large pecuniary mulct for their relief. The sum, to which the governor declared his resolution to extend the fine, was forty *or* fifty lacks; his ability to pay it was stated as a fact, that could not admit of a doubt; and the two alternatives, on which the governor declared himself to have resolved, were, to the best of my recollection, either a removal from his zemindary entirely; or, by

taking immediate possession of all his forts, to obtain out of the treasure deposited in them the above sum for the company."

XV. That, in the declaration of the said Wheler, the time of the conversation aforesaid is stated to be on the eve of the governor's departure, and then said to be confidential; nor is it said or insinuated that he knew or ever heard thereof at a more early period; though it appears by Major Palmer's affidavit, that the design of taking, not £400,000 *or* £500,000, but absolutely £500,000 from the rajah, was communicated to him as early as the month of June. And it does not appear by the declarations of the said Wheler, he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanor.

XVI. That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid, namely, to sell the company's sovereignty over Benares to the nabob of Oude; or to dispossess the rajah of his territories; or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of £400,000 or £500,000, did reject the offer of £200,000, tendered by the said rajah for his redemption from the injuries which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and seasonable acquisition at that time; the said Hastings being determined, at a critical period, to risk the existence of the British empire, rather than fail in the gratification of his revenge against the said rajah.

XVII. That the first of his three instituted projects,

namely, the depriving the rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British government; he having declared, whatever opinions he might entertain of its justice, "that it would have an appearance of *severity;* and might furnish grounds *unfavorable to the credit of our government, and to his own reputation,* from the natural influence which every *act of rigor,* exercised in the persons of men in *elevated situations,* is apt to impress on those who are too remote from the scene of action to judge, by any evidence of the facts themselves, of their motives or propriety." And the second attempt, the sum of money which he aimed at by attacking the fortresses of the rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputation with the former. And with regard to the third project, namely, the sale of the company's sovereignty to the nabob of Oude, and his having actually received proposals for the same, it was a high offence to the company, as presuming, without their authority or consent, to put up to sale their sovereign rights; and particularly to put them up to sale to that very person, against whom the independence of the said province had been declared by the governor-general and council to be necessary, as a barrier for the security of the other provinces, in case of a future rupture with him. It was a heinous injury to the said rajah, to attempt to change his relation without his consent, especially on account of the person to whom he was to be made over for money, by reason of the known enmity subsisting between his family and that of the nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the zemindary of Benares, to propose putting them under a person long before described by himself to the court of directors, "to want the qualities of the head and heart requisite for his station;" and a letter from the British resident at Oude, transmitted to the said court, represents

him "to have wholly lost, by his *oppressions*, the confidence and affections of his own subjects;" and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own bad conduct and evil character: admitting also in a letter written to Edward Wheler, Esq. and transmitted to the court of directors, "that many circumstances did favor suspicion of his (the said nabob's) fidelity to the English interest, the nabob being surrounded by men base in their characters, and improvident in their understandings, his favorites, and his companions of his looser hours. These had every cause to dread the effect of my influence on theirs; and both these, and the relations of the family, whose views of consequence and power were intercepted by our participation in the administration of his affairs, entertained a mortal hatred to our nation, and openly avowed it." And the said Hastings was well aware, that in case the nabob, by him described in the manner aforesaid, on making such purchase, should continue to observe the terms of his father's original covenants and engagements with the rajah, and should pay the company the only tribute which he could lawfully exact from the said rajah, it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the rajah did offer to the said Hastings for his redemption from oppression. Such an acquisition to the nabob (while he kept his faith) could not possibly be of any advantage whatever to him; and that, therefore, if a great sum was to be paid by the nabob of Oude, it must be for the purpose of oppression, and violation of public faith, to be perpetrated in the person of the said nabob, to an extent and in a manner, which the said Hastings was then apprehensive he could not justify to the court of directors, as his own personal act.

PART III.

EXPULSION OF THE RAJAH OF BENARES.

I. THAT the said Warren Hastings, being resolved on the ruin of the rajah aforesaid, as a preliminary step thereto, did, against the express orders of the court of directors, remove Francis Fowke, Esq., the company's resident at the city of Benares, without any complaint, or pretence of complaint whatsoever, but merely on his own declaration, that he must have, as a resident at Benares, a person of his own special and personal nomination and confidence, and not a man of the company's nomination; and in the place of the said Francis Fowke thus illegally divested of his office, did appoint thereto another servant of the company of his own choice.

II. That soon after he had removed the company's resident, he prepared for a journey to the upper provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived; and although he did communicate his purpose privately to such persons as he thought fit to intrust therewith, he did not enter any thing on the consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act, nor did he state any guilt in the rajah, which he intended to punish, or charge him, the said rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but, on the contrary, he did industriously conceal his real designs from the court of directors, and did fallaciously enter on the consultations a minute declaratory to purposes wholly different therefrom, and which supposed nothing more than an amicable adjustment, founded on the treaties between the company and the rajah, investing himself by his said minute with "full power

and authority to form *such* arrangements *with* the rajah of Benares, for the *better* government and management of his zemindary, and to perform such acts for the improvement of the interest, which the company possesses in it, as he shall think *fit and consonant to the mutual engagements subsisting between the company and the rajah;*" and for this and other purposes he did invest himself with the whole power of the council, giving to himself an authority, as if his acts had been the acts of the council itself; which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits, namely, that the acts done should be *arranged with* the rajah, that is with *his consent;* and secondly, that they should be consonant to the actual engagements between the parties; and nothing appears in the minute conferring the said power, which did express or imply any authority for depriving the rajah of his government, or selling the sovereignty thereof to his hereditary enemy, or for the plunder of his fort treasures.

III. That the said Warren Hastings, having formed the plans aforesaid for the ruin of the rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and resolved on; and the said Hastings was met, according to the usage of distinguished persons in that country, by the rajah of Benares with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honor and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of a design upon his life; and the said rajah came into the pinnace, in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favor; and being received with great sternness

and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying that he abandoned his life and fortune to his disposal, and then departed; the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

IV. That the said Hastings, in the utmost security and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August, 1781, some hours before the rajah, who, soon after his arrival, intended to pay him a visit of honor and respect at his quarters, but was by the said Hastings rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said rajah, in order to afford some color of regularity and justice to his proceedings, did, on the day after his arrival, that is, on the 15th day of August, 1781, send to the rajah a charge in writing, which though informal and irregular, may be reduced to four articles, two general, and two more particular; the first of the general being, "that he (the rajah) had, by the means of his secret agents, endeavored to excite disorders in the government, on which he depended;" the second, "that he had suffered the *daily* perpetration of robberies and murders, even in the streets of Benares, to the great and public scandal of the English name."

V. That it appears, that the said Warren Hastings is guilty of an high offence, contrary to the fundamental principles of justice, in the said mode of charging misdemeanors, without any specification of person, or place, or time, or act, or any offer of specification of proofs, by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

VI. That the two specified articles relate to certain de-

lays: the first, with regard to the payment of the sums of money unjustly extorted as aforesaid; and the second, the non-compliance with a requisition of cavalry; which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the rajah, and addressing himself to him) "to amount to a *direct* charge of disaffection and *infidelity* to the government on which you depend." And further proceeded as follows: "I therefore judged it proper to state them (the said charges) thus fully to you in writing, and to *require* your answer; and this I expect *immediately*." That the said Hastings, stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason, and *therefore* calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient time should be given to answer, proportioned to the greatness of the offence alleged, and the heavy penalties which attend it; and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the rajah full opportunity for conferring with his ministers, his doctors of law, and his accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

VII. That the said rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specific answer to the two articles therein specified; and did allege, and offer proof, that the whole of the extraordinary demands of the said Hastings had been actually long before paid and discharged; and did state a proper defence with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said rajah did make a direct denial of the truth of the two *general* articles, and

did explain himself on the same in as satisfactory a manner, and as fully as their nature could permit; offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following: "My enemies, with a view to my ruin, have made false representations to you. Now that, *happily for me*, you have yourself arrived at this place, you will be able to ascertain all the circumstances; first, relative to the horse; secondly, to my people going to Calcutta; and, thirdly, the dates of the receipts of the particular sums above mentioned. You will then know whether I have amused you with a false representation, or made a just report to you." And in the said answer, the said rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature, in transactions of such moment, namely, his not receiving any answer to his letters and petitions; and concluded in the following words: "I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you. May your prosperity increase!"

VIII. That the said Warren Hastings was bound, by the essential principles of natural justice, to attend to the claim made by the rajah to a fair and impartial trial and inquiry into the matter of accusation brought against him by the said Hastings, at a time and place which furnished all proper materials, and the presence of all necessary witnesses; but the said Hastings, instead of instituting the said inquiry, and granting trial, did receive an humble request for justice from a great prince as a fresh offence, and as a personal insult to himself; and did conceive a violent passion of anger and a strong resentment thereat, declaring that he did consider the said answer as not only unsatisfactory in substance, but offensive in style. "This answer you will perceive to be not only unsatisfactory in substance, but offensive in style;

and less a vindication of himself than a recrimination on me. It expresses no concern for the causes of complaint contained in my letter, or desire to atone for them, nor the smallest intention to pursue a different line of conduct. An answer couched nearly in terms of defiance to requisitions of so serious a nature I could not but consider as *a strong indication of that spirit of independency* which the rajah has for some years past assumed, and of which, indeed, I had early observed other manifest symptoms, both before and from the instant of my arrival."—Which representation is altogether, and in all parts thereof, groundless and injurious; as the substance of the answer is a justification proper to be pleaded, and the style, if in any thing exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit, than from any thing of an offensive liberty; but being received as disrepectful by the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression into which the natives are sunk under the British government.

IX. That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said rajah's defence, and at certain appearances of independency, which he had observed, not only on former occasions, but since his arrival at Benares, (where he had been but little more than one day,) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably obliged to adopt some decisive plan; and without any further inquiry or consultation (which appears) with any person, did, at ten o'clock of the very night on which he received the before-mentioned full and satisfactory as well as submissive answer, send an order to the British resident (then being a public minister representing the British government at the court of the said rajah, and as such bound by the law of nations to respect the prince at whose court he was resident, and not to attempt any thing

against his person or state; and who ought not, therefore, to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said prince in his palace, and keep him in his custody until further orders; which said order being conceived in the most peremptory terms, the rajah was put under arrest, with a guard of about thirty orderly sepoys, with their swords drawn; and the particulars thereof were reported to him as follows:

"HONORABLE SIR,

"I this morning, in obedience to your orders of last night, proceeded with a few of my orderlies, accompanied by Lieutenant Stalker, to Shewalla Ghaut, the present residence of Rajah Cheit Sing, and acquainted him it was your pleasure he should consider himself in arrest; that he should order his people to behave in a quiet and orderly manner, for that any attempt *to rescue him would be attended with his own destruction. The rajah submitted quietly to the arrest,* and assured me that, whatever were your orders, he was ready implicitly to obey: he hoped that you would allow him a *subsistence;* but as for *his zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life, if required.* He expressed himself much hurt at the ignominy, which he affirmed must be the consequence of his confinement; and entreated me to return to you with the foregoing submission, hoping that you would make allowances for his youth and inexperience, and in consideration of his father's name release him from his confinement, as soon as he should prove the sincerity of his offers, and himself deserving of your compassion and forgiveness."

X. That a further order was given, that every servant of the rajah should be disarmed, and a certain number only left to attend him, under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier

sepoys were sent to the rajah's palace by the said Hastings; and the rajah, being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonor he had suffered in the eyes of his subjects, (all imprisonment of persons of rank being held in that country as a mark of indelible infamy; and he also, in all probability, considering his imprisonment as a prelude to the taking away his life,) and in the first of the said petitions he did express himself in this manner: "Whatever may be your pleasure, do it with your own hands; I am your slave. What occasion can there be for a guard?" And in the other, "My honor was bestowed upon me by your highness. It depends on you alone to take away, or not to take away, the country out of my hands. In case my honor is not left to me, how shall I be equal to the business of the government? Whoever, with his hands in a supplicating posture, is ready with his life and property, what necessity can there be for him to be dealt with in this way?"

XI. That, according to the said Hastings's narrative of this transaction, he, the said Hastings, on account of the apparent despondency, in which these letters were written, "thought it *necessary* to give him *some* encouragement;" and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send to him a person to explain particulars; and desiring him "to set his mind at rest, and not to conceive any terror or apprehension." To which an answer of great humility and dejection was received.

XII. That the report of the rajah's arrest did cause a great alarm in the city, in the suburbs of which the rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indig-

nity offered to a prince, under whose government they enjoyed much ease and happiness. Under these circumstances the rajah desired leave to perform his ablutions; which was refused, unless he sent for water, and performed that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace, a British officer, commanding the guard upon the rajah, struck one of them with his sword. The people grew more and more irritated; but a message being sent from the rajah to appease them, they continued, on this interposition, for a while quiet. Then the rajah retired to a sort of stone pavilion or bastion, to perform his devotions, the guard of sepoys attending him in this act of religion. In the mean time, a person of the meanest station, called a chubdar, at best answering to our common beadle or tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings, or the resident, to the prince under arrest; and this base person, without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude and boisterous manner, "passionately and insultingly," (as the said rajah has without contradiction asserted,) "and, reviling him with a loud voice, gave both him and his people the vilest abuse;" and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within, a firing commenced from without the palace; on which the rajah again interposed, and did what in him lay to suppress the tumult, until an English officer striking him with a sword, and wounding him on the hand, the people no longer kept any measures, but broke through the inclosure of the palace. The insolent tipstaff was first cut down, and the multitude falling upon the sepoys and the English officers, the whole, or nearly the whole, were cut to pieces; the soldiers having been ordered to that service without any charges for their pieces. And in this tumult the rajah, being justly fearful of falling into the hands

of the said Hastings, did make his escape over the walls of his palace, by means of a rope, formed of his turban tied together, into a boat upon the river, and from thence into a place of security; abandoning many of his family to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers, after the flight of the rajah.

XIII. That the rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: but the said Warren Hastings, though bound by his duty to hear the said rajah, and to prevent extremities, if possible, being filled with insolence and malice, did not think it "*becoming* of him to make any reply to it; and that he *thought* he ordered the bearer of the letter to be told that it *required none.*"

XIV. That this letter of submission having been received, the said rajah, not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esq., for his interposition, but to no purpose; and did likewise, with as little effect, send a message to Cantû Babû, native steward and confidential agent of the said Hastings, which was afterwards reduced into writing, "to exculpate himself from any concern in what had passed, and to profess his obedience to his *will* (Hastings's) *in whatever* way he should dictate." But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the said opening, attributing the same to artifice, in order to gain time; but, instead of accepting the said submissions, he did resolve upon flight from the city of Benares, and did suddenly fly therefrom in great confusion.

XV. That the said Hastings did persevere in his resolutions not to listen to any submission or offer of accommodation whatsoever, though several were afterwards made through almost every person who might be supposed to have influence with him, but did cause the rajah's troops to be attacked and fallen upon, though they only acted on the defensive, (as the rajah has without contradiction asserted,) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust, and tyrannical acts, by him perpetrated and done, and by his total improvidence in not taking any one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India, by the risk of his own person, which he asserts that it did run; as also, "that it ought not to be thought that he attributed too much consequence to his personal safety, when he supposed *the fate of the British empire in India connected with it;* and that, mean as its substance may be, its accidental qualities were equivalent to those which, like the characters of a talisman in the Arabian mythology, formed the *essence* of the state itself, representation, title, and the *estimate* of the public opinion. That, had he fallen, such a stroke would be universally considered as decisive of the national fate. Every state round it would have started into arms against it; and *every subject of its own dominion would, according to their several abilities, have become its enemy.*" And that he knew, and has declared, that, though the said stroke was not struck, great convulsions did actually ensue from his proceedings. "That half the province of Oude was in a state of as complete rebellion as that of Benares:" and that invasions, tumults, and insurrections were occasioned thereby in various other parts.

XVI. That the said Warren Hastings, after he had col-

lected his forces from all parts, did, with little difficulty or bloodshed, subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said province of Benares; and did, after the said short and little resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, "upon what provocation he knows not," certain wounded sepoys, who were prisoners; which order, being *generally* given, when it was his duty to have made some inquiry concerning the particular offenders, but which he did never make or cause to be made, was cruel, inhuman, and tended to the destruction of the revenues of the company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

XVII. That the said Warren Hastings did not only refuse the submissions of the said rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the company's forces, but did proscribe and except him from the pardons which he issued, after he had satisfied his vengeance on the province of Benares.

XVIII. That the said Warren Hastings did send to a certain castle called Bidgigur, the residence of a person of high rank, called Panna, the mother of the rajah of Benares, with whom his wife, a woman described by the said Hastings "to be of an amiable character," and all the other women of the rajah's family, and the survivors of the family of his father, Bulwant Sing, did then reside, a body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever; pretending, but not proving, and not attempting to prove, *then* nor since, that the treasures therein contained were the property of the rajah, and not her own; and did, in order to stimulate the British

soldiery to rapine and outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, movable and immovable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the East, and the particular respect there paid to the female sex; which letters and orders, as well as the letters which he had received from the officers concerned, the said Hastings did unlawfully suppress, until forced by the disputes between him and the said officers to discover the same; and the said orders are as follow:

"I am this instant favored with yours of yesterday. Mine of the same date (22d October, 1781) has before this time acquainted you with my resolutions and sentiments respecting the rannee (the mother of the Rajah Cheit Sing); I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, *your rejecting her offers, or any negotiations with her*, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive *to defraud the captors of a considerable part of the booty by being suffered to retire without examination. But this is your consideration, and not mine. I should be very sorry that your officers and soldiers lost ANY PART of the reward to which they are so well entitled;* but I cannot make any objection, as you must be the best judge of the expediency of the *promised* indulgence to the rannee. What you have engaged for, I will certainly ratify; but as to permitting the rannee to hold the purgunnah of Hurluk, or any other in the zemindary, without being subject to the authority of the zemindar, or any lands whatever, *or indeed making any conditions with her for a provision, I will never consent to it.*" And in another letter to the same person, dated Benares, 3d of November, 1781, in which he, the said Hastings, consents that the said woman of distinction should be allowed to evacuate the place, and to receive protection, he did express himself as follows: "I am willing to

grant her now the same conditions to which I at first consented; provided that she delivers into your possession, within twenty-four hours from the time of receiving your message, the fort of Bidzigurr, with the treasure and effects lodged therein by Cheit Sing, or any of his adherents, with the reserve only, as above mentioned, of such articles *as you shall think necessary to her sex and condition*, or as you shall be disposed, *of yourself, to indulge her with.* If she complies, as I expect she will, it will be your part to secure the fort, and the property it contains, *for the benefit of yourself and detachment.* I have only further to request, that you will grant an escort, if Panna should require it, to conduct her here, or wherever she may choose to retire to. But should she refuse to execute the promise she has made, *or delay it beyond the term of twenty-four hours*, it is my *positive* injunction that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints *or trifles* with me, after I have subjected my *duan* to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a *wanton affront and indignity, which I can never forgive*, nor will I grant her any conditions whatever, but leave her exposed to *those dangers* which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think *she cannot be ignorant of these consequences, and will not venture to incur them;* and it is for this reason I place a dependance on her offers, and have consented to send my duan to her."

XIX. That the castle aforesaid being surrendered upon terms of safety, and on express condition of not attempting to search their persons, the woman of rank aforesaid, her female relations and female dependants, to the number of three hundred, besides children, evacuated the said castle; but the spirit of rapacity being excited by the letters and other proceedings of the said Hastings, the capitulation was

shamefully and outrageously broken, and in despite of the endeavors of the commanding officer, the said woman of high condition, and her female dependants, friends, and servants, were plundered of the effects they carried with them, and which were reserved to them in the capitulation of their fortress, and in their persons were otherwise rudely and inhumanly dealt with by the licentious followers of the camp; for which outrages, represented to the said Hastings with great concern by the commanding officer, Major Popham, he, the said Hastings, did afterwards recommend a late and fruitless redress.

XX. That the governor-general, Warren Hastings, in exciting the hopes of the military by declaring them *well entitled to the plunder* of the fortress aforesaid, the residence of the mother and other women of the rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the court of directors, and to his own opinion of his public duty, as well as to the truth and reality thereof; he having some years before entered in writing the declaration which follows: "The very idea of *prize-money* suggests to my remembrance *the former disorders which arose in our army from this source, and had almost proved fatal to it.* Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every expectation of this kind amongst the troops—*it is to be avoided like poison.* The bad effects of a similar measure were but too plainly felt in a former period, and our honorable masters did not fail on that occasion to reprobate with their censure, in the most severe terms, a practice which they regarded as the source of infinite evils; and which, if established, would, in their judgment, necessarily bring corruption aud ruin on their army."

XXI. That the said Hastings, after he had given the

license aforesaid, and that in consequence thereof the booty found in the castle, to the amount of 23,27,813 current rupees, was distributed among the soldiers employed in its reduction, the said Hastings did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder, and endeavored by various devices and artifices, to explain the same away, and to recover the spoil aforesaid for the use of the company: and wholly failing in his attempts to resume by a breach of faith with the soldiers, what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the rajah, or any of his family, that had been found, he was altogether frustrated in the acquisition of every part of that dishonorable object, which alone he pretended to and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British empire.

XXII. That the said Warren Hastings, after the commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil counsel and agency of Sir Elijah Impey, knight, his majesty's chief justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before, or by the said Sir Elijah Impey, and through the intervention, not of the company's interpreter, but of a certain private interpreter of his, the said Hastings's, own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Hindostan; and did also cause to be taken before the said Sir Elijah Impey, several attestations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the council general; some of which depositions were upon oath, some

upon honor, and others neither upon *oath nor honor*, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British government.

XXIII. That one of the said attestations (but not on oath) was made by a principal minister of the nabob of Oude, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the government of Benares, vacated by the unjust expulsion of the rajah aforesaid, and who, in her deposition did declare, that she considered the expelled rajah as her enemy; and that he never did confer with her, or suffer her to be acquainted with any of his designs.

XXIV. That besides the depositions of persons interested in the ruin of the rajah, others were made by persons who then received pensions from him, the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

XXV. That he, the said Hastings, did also cause to be examined by various proofs and essays, the result of which was delivered in upon honor, the quality of certain military stores, taken by the British troops from the said rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer, that the insurrection, which had been raised by his own violence and

oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information of such design, it was his duty to lay the same before the council board, and to state the same to the rajah when he was in a condition to have given an answer thereto, or to observe thereon; and not after he had proscribed and driven him from his dominions, to have inquired into offences to justify the previous infliction of punishment.

XXVI. That it does not appear, that in taking the said depositions there was any person present on the part of the rajah, to object to the competence, or credibility, or relevancy of any of the said affidavits, or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said rajah, although the company had a minister at the place of his residence, namely, in the camp of the Mahratta chief Scindia, so as to enable him to transmit to the company any matters which might induce or enable them to do justice to the injured prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said rajah ever did carry on any hostile negotiation whatever with any of those powers, with whom he was charged with a conspiracy against the company, previous to the period of the said Hastings having arrested him in his palace, although he, the said Hastings, had various agents at the courts of all those princes, and that a late principal agent, and near relation of a minister of one of them, the rajah of Berar, called Benarum Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the

said Benarum Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded with a large pension on those very revenues which he had taken from the rajah Cheit Sing: and if such a conspiracy had previously existed, the Mahratta minister aforesaid must have known and would have attested it.

XXVII. That it appears that the said Warren Hastings, at the time that he formed his design of seizing upon the treasures of the rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India, with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence; because he has caused it to be deposed, that, if the said rajah should pay the sum of money by him exacted, "he would settle his zemindary upon him on the most eligible footing." Whereas if he had conceived him to have entertained traitorous designs against the company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences, as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever; whereby the said Hastings has, by his own stating, demonstrated, that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended for the purpose of exacting money.

XXVIII. That the said Warren Hastings, in order to justify the acts of violence aforesaid to the court of directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonorable to

that of Great Britain; namely, that the "rajah of Benares was not a vassal or tributary prince; and that the deeds which passed between him and the board upon the transfer of the zemindary, in 1775, were not to be understood to bear the quality and force of a treaty upon optional conditions between equal states; that the payments to be made by him were not a tribute, but a rent; and that the instruments, by which his territories were conveyed to him, did not differ from common grants to zemindars, who were merely subjects; but that being nothing more than a common zemindar and mere subject, the company, holding the acknowledged rights of his former sovereign, held an absolute authority over him; that in the known relations of zemindar to the sovereign authority, or power delegated by it, he owed a personal allegiance, and an implicit and unreserved obedience to that authority, at the forfeiture of his zemindary, and even of his life and property." Whereas the said Hastings did well know, that, whether the payments from the rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments, by which he held, might have been, he did not consider him as a common zemindar or landholder, but as far independent as a tributary prince could be; for he did assign as a reason for receiving his rent rather within the company's province than in his own capital, that it would not "frustrate the intention of rendering the rajah *independent;* that if a resident was appointed to receive the money as it became due at Benares, such a resident would unavoidably acquire an influence over the rajah and over his country, which would, in effect, render him the master of both; that this consequence might not perhaps be brought completely to pass without a struggle, and many appeals to the council, which, in a government constituted like this, cannot fail to terminate against the rajah, and by the construction, to which this opposition to the agent would be liable, might eventually draw on him severe restrictions, and end *in reducing him to the mean and depraved state of a zemindar.*"

XXIX. And the said Hastings, in the said minute of consultation, having enumerated the frauds, embezzlements, and oppressions, which would ensue from the rajah's being in the dependent state aforesaid; and having obviated all apprehensions from giving to him the implied symbols of dominion, did assert, "that, without such appearance, he would expect from every change of government additional demands to be made upon him; and would of course descend to all the arts of intrigue and concealment practised by other dependent rajahs, which would keep him indigent and weak, and eventually prove hurtful to the company. But that, by proper encouragement and protection, he might prove a profitable dependant, and useful barrier, and even a powerful ally to the company. But that he would be neither, if the conditions of his connection with the company were left open to future variations."

XXX. That if the fact had been true, that the rajah of Benares was merely an eminent landholder, or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance, and an implicit and unreserved obedience to the sovereign authority, at the forfeiture of his zemindary, and even of his life and property, at the discretion of those, who held, or fully represented, the sovereign authority, doth leave security neither for life nor property to any persons residing under the company's protection; and that no such powers, nor any powers of that nature, had been delegated to the said Warren Hastings by any provisions of the act of parliament appointing a governor-general and council at Fort William in Bengal.

XXXI. That the said Warren Hastings did at last advance another dangerous and pernicious principle, in justification of his violent, arbitrary, and iniquitous acting aforesaid; namely, "that if he had acted with an unwarrantable rigor, and even injustice, towards Cheit Sing, yet, first, if

he did *believe* that extraordinary means were necessary, and those exerted with a strong hand, to preserve the company's interest from sinking under the accumulated weight that oppressed them; or, secondly, if he saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and to make it contribute to the relief of their pressing exigencies; that his error would be excusable, as prompted by an excess of zeal for their (the company's) interest, operating with too strong a bias on his judgment; but that much stronger is the presumption that such acts are founded on just principles, than that they are the result of a misguided judgment." That the said doctrines are, in both the members thereof, subversive of all the principles of just government, by empowering a governor with delegated authority in the first case, on his own private *belief* concerning the necessities of the state, not to levy an impartial and equal rate of taxation suitable to the circumstances of the several members of the community, but to select any individual from the same as an object of arbitrary and unmeasured imposition; and, in the second case, enabling the same governor, on the same arbitrary principles, to determine whose property should be considered as overgrown, and to reduce the same at his pleasure.

PART IV.

SECOND REVOLUTION OF BENARES.

THAT the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheit Sing, the lord or zemindar of Benares, from his said lordship or zemindary, did, of his own mere usurped authority, and without any communication with the other members of

the council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah Bulwant Sing, to the government of Benares; and, on account or pretence of his youth or inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father Durbege Sing to act as his representative or administrator of affairs; but did give a controlling authority to the British resident over both, notwithstanding his declarations before mentioned, of the mischiefs likely to happen to the said country from the establishment of a resident, and his opinions since declared, in a letter to the court of directors, dated from this very place (Benares) the 1st of October, 1784, to the same or stronger effect, in case "agents are sent into the country, and armed with authority for the purposes of vengeance and corruption, *for to no other will they be applied.*"

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late rajah and the company (which were real agreements with the state of Benares, in the person of the lord or prince thereof, and his heirs); and without any form of trial, inquisition, or other legal process, for forfeiture of the privileges of the people to be governed by magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said government, and did vest the mint in the British resident, and the criminal justice in a Mahomedan native of his own appointment; and did enhance the tribute to be paid from the province from £250,000 annually, limited by treaty, or thereabouts, to £330,000 for the first year, and to £400,000, for every year after; and did compel the administrator aforesaid (father to the rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandise, which did greatly impair the trade of the province, and threaten the

utter ruin thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the company's troops in the said country; and did perform sundry other acts, with regard to the said territory, in total subversion of the rights of the sovereign and the people, and in violation of the treaties and agreements aforesaid.

That the said Warren Hastings being absent, on account of ill health, from the presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the resident at Benares; and under color that the instalments for the new rent or tribute were in arrear, did, of his own authority, make, in about one year, a second revolution in the government of the territory aforesaid; and did order and direct, that Durbege Sing aforesaid, father of the rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison; and did threaten him with death, although he, the said Warren Hastings, had, at the time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprized, that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections; though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received, from the collectors of government, and the cultivators of the soil, the rent in arrear; yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigor against him, except the following paragraph of a letter from the resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before

the council general, persuade them to, and did procure from them, a confirmation of the aforesaid cruel and illegal proceedings, the correspondence concerning which had not been before communicated; he pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

That in the letter to the council, requiring the confirmation of his acts aforesaid, the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose, as an alternative, his imprisonment at a remote fortress, out of the said territory, and in the company's provinces, called Chunar; desiring them to direct the resident at Benares "to exact from Baboo Durbitzee Sing every rupee of the collections, which it shall appear that he has made, and not brought to account; and either to confine him at Benares, or to send him a prisoner to Chunar, and to keep him in confinement until he shall have discharged the whole of the amount due from him." And the said Warren Hastings did assign motives of passion and personal resentment for the said unjust and rigorous proceedings, as follows: "I feel myself, and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown on my appointment of him. He has deceived me; he has offended against the government, which I then represented." And as a further reason for depriving him of his Jaghire, (or salary out of land,) he did insinuate in the said letter, but without giving or offering any proof, "that the said rajah had been guilty *of little and mean peculations*, although the appointments assigned to him had been sufficient to free him from the temptations thereto."

That it appears, as it might naturally have been expected, that the wife of the said administrator, the daughter of Bulwant Sing, the late rajah of Benares, and her son, the reigning rajah, did oppose, to the best of their power, but by what remonstrances, or upon what plea, the said Warren Hastings did never inform the court of directors, the deposition, imprisonment, and confiscation of the estates of the husband of the one, and the father of the other: but that the said Hastings, persisting in his malice, did declare to the said council as follows: "The opposition made by the rajah and the old rannee, both equally incapable of judging for *themselves*, does certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at *their presumption*."

That the said Warren Hastings, not satisfied with the injuries done, and the insults and disgraces offered to the family aforesaid, did, in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavor to make the wife and son of the said administrator, contrary to the sentiments and the law of nature, the instruments of his oppressions; directing, "that if they (the mother and son aforesaid) could be *induced* to yield the *appearance of a cheerful acquiescence* in the new arrangement, and to adopt it as a *measure formed with their participation*, it would be better than that it should be done by a declared act of compulsion, but that at all events it ought to be done."

That, in consequence of the pressing declarations aforesaid, the said Warren Hastings did, on his special recommendation, appoint, in opposition to the wishes and desires of the rajah and his mother, another person to the administration of his affairs, called Jagher Deo Seo.

That the company having sent express orders for the sending the resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same; and did throw upon the person appointed by the com-

pany (Francis Fowke, Esq.) several strong but unspecified reflections and aspersions, contrary to the duty he owed to the company, and to the justice he owed to all its servants.

That the said resident being appointed by the votes of the rest of the council, in obedience to the reiterated orders of the company, and in despite of the opposition of the said Hastings, did proceed to Benares; and, on the representation of the parties, and the submission of the accounts of the aforesaid Durbitzee Sing to an arbitrator, did find him, the said Durbitzee Sing, in debt to the company for a sum not considerable enough to justify the severe treatment of the said Durbitzee Sing; his wife and son complaining, at or about the same time, that the balances due to him from the aumils, or sub-collectors, had been received by the new administrator, and carried to his own credit, in prejudice and wrong to the said Durbitzee Sing; which representation, the only one that has been transmitted on the part of the said sufferers, has not been contradicted.

That it appears that the said Durbitzee Sing did afterwards go to Calcutta for the redress of his grievances; and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the supreme council to leave the said city, and to return to Benares; that on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured that the said Durbitzee Sing was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbitzee Sing to be strictly imprisoned; and the said Durbitzee Sing, in consequence of the vexations, hardships, and oppressions aforesaid, died in a short time after, insolvent: but whether in prison or not, does not appear.

PART V.

THIRD REVOLUTION IN BENARES.

THAT the said Warren Hastings, having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the rajah and his mother, (in whose name and in whose right the said Durbege Sing, father of the one and husband of the other, had administered the affairs of the government,) appoint a person, called Jagher Deo Sheo, to administer the same.

That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his "avowed principle (as it might be expected it should be) that the sum fixed for the revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the resident Fowke; but the said Warren Hastings did assert, that his annual collections did not amount to more than lacks 37,37,600, or thereabouts, which he says is much short of the revenues of the province, and is about £24,000 short of his agreement.

That it further appears, that notwithstanding the new administrator aforesaid was appointed two months, or thereabouts, after the beginning of the fuseli year, that is to say, about the middle of November, 1782, and the former administrator had collected a certain portion of the revenues of that year, amounting to £17,000 and upwards; yet he, the said new administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his predecessor, did

levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

That, on account of a great drought which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the chief criminal judge at Benares; but the administrator aforesaid, being fearful that the revenue would fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That notwithstanding the cantonment of several bodies of the company's troops within the province, since the abolition of the native government, it became subject, in a particular manner, to the rajahs upon the borders; insomuch, that in one quarter, no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the resident, in his letter to the board at Calcutta, did represent that the collection of the revenue was become very difficult; and, besides the extreme drought, did assign for a cause of that difficulty, the following:

"That there is also one fund, which, in former years, was applied in this country to remedy temporary inconveniences in the revenue, and which in the present year does not exist. This was the private fortunes of merchants and shroffs (bankers) resident in Benares, from whom aumils (collectors) of credit could obtain temporary loans, to satisfy the immediate calls of the rajah. These sums, which used to circulate between the aumil and the merchant, have been turned into a different channel, by bills of exchange to defray the expenses of government both on the west coast of India, and also at Madras." To which representation it does not appear that any answer was given, or that any mode of redress was adopted in consequence thereof.

That the said Warren Hastings, having passed through the province of Benares (Gauzipore) in his progress towards

Oude, did, in a letter dated from the city of Lucknow, the 2d of April, 1784, give to the council board at Calcutta an account (highly dishonorable to the British government) of the effect of the arrangements made by himself in the years 1781 and 1782, in the words following: "Having contrived, by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province, which I am anxious to communicate to you. Indeed the inquiry, which was in *a great degree obtruded upon me*, affected me with very mortifying reflections on my inability to apply it to any useful purpose. From the confines of Buxar to Benares, I was followed and *fatigued* by the clamors of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority shall prove satisfactory to all, who are the objects of it. The distresses, which were produced by the long continued drought, unavoidably tended to heighten the general discontent; *yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive administration.*" "Of a multitude of petitions, which were presented to me, and of which I took minutes, every one, that did not relate to a personal grievance, contained the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice, to which I allude, is this: it is affirmed that the aumils and renters exact, from the proprietors of the actual harvest, a large increase in kind on their stipulated rent; that is, from those, who hold their potta by the tenure of paying *one half* of the produce of their crops, either *the whole*, without subterfuge, or a *large* proportion of it by a *false measurement*, or other pretexts; and from those whose engagements are for a fixed rent *in money*, the half, or a greater proportion, is taken *in kind*. This is in effect a tax upon the industry of the inhabitants; since there is scarce a field

levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

That, on account of a great drought which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the chief criminal judge at Benares; but the administrator aforesaid, being fearful that the revenue would fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That notwithstanding the cantonment of several bodies of the company's troops within the province, since the abolition of the native government, it became subject, in a particular manner, to the rajahs upon the borders; insomuch, that in one quarter, no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the resident, in his letter to the board at Calcutta, did represent that the collection of the revenue was become very difficult; and, besides the extreme drought, did assign for a cause of that difficulty, the following:

"That there is also one fund, which, in former years, was applied in this country to remedy temporary inconveniences in the revenue, and which in the present year does not exist. This was the private fortunes of merchants and shroffs (bankers) resident in Benares, from whom aumils (collectors) of credit could obtain temporary loans, to satisfy the immediate calls of the rajah. These sums, which used to circulate between the aumil and the merchant, have been turned into a different channel, by bills of exchange to defray the expenses of government both on the west coast of India, and also at Madras." To which representation not appear that any answer was given, redress was adopted in consequence.

That the said Warren Hastings, in the province of Benares (Gauzipore,

Oude, did, in a letter dated from the city of Lucknow the 2d of April, 1784, give to the council board at Calcutta an account highly dishonorable to the British government [illegible] the effect of the arrangements made [illegible] 1791 and 1792, in the [illegible] by making forced [illegible] marched at the [illegible] Benares. I was [illegible] ing some knowledge [illegible] am anxious to [illegible] which was in a great [illegible] with very mortifying [illegible] to any useful purpose [illegible] Benares. I was followed [illegible] the discontented inhabitants [illegible] degree, because it is [illegible] prove satisfactory [illegible] tresses, which were [illegible] inavoidably tended [illegible] I have reason to [illegible] effective, if not [illegible] a multitude [illegible] of which I [illegible] personal grievance [illegible] and the same [illegible] of an influence [illegible] practice [illegible] animals and [illegible] harvest [illegible] is from [illegible] one [illegible] without [illegible]

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of grain in the province, *I might say not one*, which has not been preserved by the incessant labor of the cultivator, by digging wells for their supply, or watering them from the walls of masonry, with which their country abounds, or from the neighboring tanks, rivers, and nullahs. The people, who imposed on themselves this voluntary and extraordinary labor, and not unattended with expense, did it on the expectation of reaping the profits of it; and it is certain they would not have done it, if they had known that their rulers, *from whom they were entitled to an indemnification*, would take from them what they so hardly earned. If the same administration continues, and the country shall again labor under want of rain, *every field will be abandoned, the revenue fail, and thousands perish through want of subsistence*; for who will labor for the *sole* benefit of others, and to make himself the subject of exaction? These practices are to be imputed to the naib himself [the administrator forced by the said Warren Hastings on the present rajah of Benares]. The avowed principle on which he acts, and which he acknowledged to myself, is, that the *whole* sum fixed for the revenue of the province *must* be collected; and that, for this purpose, the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators hath been more successfully exerted: a principle which, however specious and plausible it may at first appear, *certainly tends to the most pernicious and destructive consequences.* If this declaration of the naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the naib, or of the officer under him, was forced also upon my attention. *The exorbitant rates exacted by an arbitrary valuation of the goods*; the practice of exacting duties *twice* on the same goods, first from the seller, and after-

wards from the buyer; and the vexations, disputes, and delays, drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time I was at Benares. Under such circumstances we are not to wonder if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay. *Other* evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize; as I hope that, with the assistance of the resident, they may be *in part* corrected. One evil I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the resident, at my desire, enjoined the naib to appoint creditable people to every town, through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observation of this precaution, I repeated it to him in person, and dismissed him, that he might precede me for that purpose. But, to my great disappointment, *I found every place through which I passed, abandoned; nor had there been a man left in any of them for their protection.* I am sorry to add, *that from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village; whether caused by the followers of the troops, which have lately passed for their natural relief, and I know not whether my own may not have had their share,* or from the apprehensions of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavorable appearances, and in my own heart I do acquit them; for at one encampment a crowd of people came to me, complaining that *their new aumil, (collector,) on the approach of any military detachment, himself first fled from the place; and the inhabitants,*

having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts; and my own senses bore testimony to it in this specific instance; nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders *when there is neither opposition to hinder, nor evidence to detect them.* These, and many other irregularities, I impute *solely* to the naib, and recommend his instant removal.

"I cannot help remarking, that, except the city of Benares, *the province is in effect without a government. The administration of the province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline, from the violent appropriation of its means.*"

That the said Warren Hastings did recommend to the council, for a remedy of the disorders and calamities, which had arisen from his own acts, dispositions, and appointments, that the administrator aforesaid should be instantly removed from his office; attributing the aforesaid "irregularities, *and many others, solely to him;*" although on his own representation it does appear that he was the sole cause of the irregularities therein described: neither does it appear that the administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the *many others* not recited, but *atributed solely* to him; nor has any plea or excuse from him been transmitted to the board, or to the court of directos; but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predeces-

sor, must necessarily leave to the person, who should succeed to the said office, no distinct principle upon which he might act with safety. But in comparing the consequences of the two delinquencies charged, the failure of the payment of the revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants; as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely, the oppression, and thereby the total ruin of the country, charged on the second administrator, was only followed by loss of office; although he, the said Warren Hastings, did further assert (but with what truth does not appear) that the collection of the last administrator had fallen much short of the revenue of the province.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the revenues, and seemed desirous of concealing his intentions concerning the last change until the time of its execution. Yet it appears by a letter from the British resident, dated the 23d of June, 1784, "that a very strong report prevailed at Benares of his (the said Hastings's) intentions of appointing a new naib for the approaching year; and that the effect is evident, which the prevalence of such an idea amongst the aumils would probably have on the cultivation at this particular time. The heavy mofussil kists (harvest instalments) have now been collected by the aumils; the season of tillage is arrived; the ryots (country farmers) must be indulged, and even assisted by advances; and the aumil must look for his returns in the abundance of the crop, the *consequence of this early attention to the cultivation.* The effect is evident, *which the report of a change in the first officer of the revenue must have on the minds of the aumils, by leaving them at an uncertainty of what they have in future to expect;* and, in proportion to the degree of

this uncertainty, their efforts and expenses in promoting the cultivation will be languid and sparing.

"In compliance with the naib's request, I have written to all the aumils, encouraging and ordering them to attend to the cultivation of their respective districts. But I conceive I should be able to promote this very desirable intention much more effectually, if you will honor me with the communication of your intentions on this subject. At the same time I cannot help just remarking, that, if a change is intended, the sooner it takes place, the more *the bad effects* I have described will be obviated."

That the council, having received the proposition for the removal of the administrator aforesaid, did also in a letter to him (the said Hastings) condemn the frequent changes by him made in the administration of the collections of Benares; but did consent to such alterations as might be made without encroaching on the rights established by his (the said Hastings's) agreement in the year 1781, and did desire him to transmit to them his plan for a new administration.

That the said Hastings did transmit a plan, which, notwithstanding the evils which had happened from the former frequent changes, he did propose *as a temporary expedient* for the administration of the revenues of the said province; in which no provision was made for the reduction or remission of revenue, as exigencies might require; nor for the extraction of the circulating species from the said province; nor for the supply of the necessary advances for cultivation; nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by the resident and the chief criminal magistrate of Benares, and other regulations equally void of effect and authority; and which plan Mr. Stables, one of the supreme council, did altogether reject; but the same was approved of, *as a temporary expedient*, with some exceptions, by two other members of the board, Mr. Wheler and Mr. Macpherson, declaring the *said Warren Hastings responsible for the temporary expediency of the same.*

That the said Warren Hastings, in the plan aforesaid, having strongly objected to the appointment of any European collectors, that is to say, of any European servants of the company being concerned in the same, declared that there had been sufficient experience of the ill effects of their being so employed in the province of Bengal; by which the said Hastings did either, in loose and general terms, convey a false imputation upon the conduct of the company's servants employed in the collection of the revenues of Bengal, or he was guilty of a criminal neglect of duty, in not bringing to punishment the particular persons, whose evil practices had given rise to such a general imputation on British subjects and servants of the company, as to render them unfit for service in other places.

That the said Warren Hastings having, in the course of three years, made three complete revolutions in the state of Benares, by expelling, in the first instance, the lawful and rightful governor of the same, under whose care and superintendence a large and certain revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality; and by afterwards displacing two effective governors, or administrators of the province, appointed in succession by himself; and in consequence of the said appointments, and violent and arbitrary removals, the said province "being left in effect without a government," except in one city only; and having, after all, settled no more than a temporary arrangement; is guilty of an high crime and misdemeanor in the destruction of the country aforesaid.

IV. PRINCESSES OF OUDE.

I. That the reigning nabob of Oude, commonly called Asoph ul Dowla, (son and successor to Shuja ul Dowla,) by taking into, or continuing in his pay, certain bodies of regular British troops, and by having afterwards admitted the British resident at his court into the management of all his affairs, foreign and domestic, and particularly into the administration of his finances, did gradually become, in substance and effect, as well as in general repute and estimation, a dependant on, or vassal of, the East-India Company; and was, and is, so much under the control of the governor-general and council of Bengal, that, in the opinion of all the native powers, the English name and character are concerned in every act of his government.

II. That Warren Hastings, Esq., contrary to law, and to his duty, and in disobedience to the orders of the East-India Company, arrogating to himself the nomination of the resident at the court of Oude, as his particular agent and representative, and rejecting the resident appointed by the company, and obtruding upon them a person of his own choice, did, from that time, render himself in a particular manner responsible for the good government of the provinces composing the dominions of the nabob of Oude.

III. That the provinces aforesaid having been, at the time of their first connection with the company, in an improved and flourishing condition, and yielding a revenue of more than £3,000,000 sterling, or thereabouts, did, soon after that period, begin sensibly to decline; and the subsidy of the British troops stationed in that province, as well

as other sums of money due to the company by treaty, ran considerably in arrear; although the prince of the country, during the time these arrears accrued, was otherwise in distress, and had been obliged to reduce all his establishments.

IV. That the prince aforesaid, or nabob of Oude, did, in humble and submissive terms, supplicate the said Warren Hastings to be relieved from a body of troops, whose licentious behavior he complained of, and who were stationed in his country without any obligation, by treaty, to maintain them; pleading the failure of harvest, and the prevalence of famine in his country;—a compliance with which request, by the said Warren Hastings, was refused in unbecoming, offensive, and insulting language.

V. That the said nabob, laboring under the aforesaid and other burthens, and being continually urged for payment, was advised to extort, and did extort, from his mother and grandmother, under the pretext of loans, (and sometimes without that appearance,) various great sums of money, amounting in the whole to £630,000 sterling, or thereabouts; alleging in excuse the rigorous demands of the East-India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

VI. That the two female parents of the nabob aforesaid were among the women of the greatest rank, family, and distinction, in Asia; and were left by the deceased nabob, the son of the one, and the husband of the other, in charge of certain considerable part of his treasures, in money, and other valuable movables, as well as certain landed estates, called jaghires, in order to the support of their own dignity, and the honorable maintenance of his women, and a numerous offspring and their dependants; the said family amount-

ing, in the whole, to two thousand persons, who were, by the said nabob, at his death, recommended in a particular manner to the care and protection of the said Warren Hastings.

VII. That on the demand of the nabob of Oude on his parents for the last of the sums, which completed the £630,000 aforesaid, they, the said parents, did positively refuse to pay any part of the same to their son for the use of the company, until he should agree to certain terms to be stipulated in a regular treaty; and, among other particulars, to secure them in the remainder of their possessions, and also on no account or pretence to make any further demands or claims on them; and, well knowing from whence all his claims and exactions had arisen, they demanded that the said treaty, or family compact, should be guarantied by the governor-general and council of Bengal; and a treaty was accordingly agreed to, executed by the nabob, and guarantied by John Bristow, Esq., the resident at Oude, under the authority, and with the express consent of the said Warren Hastings and the council general, and, in consequence thereof, the sum last required was paid, and discharges given to the nabob for all the money which he had borrowed from his own mother, and the mother of his father.

That the distresses and disorders in the nabob's government, and his debt to the company, continuing to increase, notwithstanding the violent methods before mentioned, taken to augment his resources, the said Warren Hastings, on the 21st of May, and on the 31st of July, 1781, (he and Mr. Wheler being the only remaining members of the council general, and he having the conclusive and casting voice, and thereby being in effect the whole council,) did, in the name and under the authority of the board, resolve on a journey to the upper provinces, in order to a personal interview with the nabob of Oude, toward the settlement of his distressed affairs; and did give to himself a delegation of the powers

of the said council, in direct violation of the company's orders, forbidding such delegation.

VIII. That the said Warren Hastings, having by his appointment met the nabob of Oude near a place called Chunar, and possessing an entire and absolute command over the said prince, did, contrary to justice and equity, and the security of property, as well as to public faith, and the sanction of the company's guarantee, under the color of a treaty, which treaty was conducted secretly, without a written document of any part of the proceeding, (except the pretended treaty itself,) authorize the said nabob to seize upon, and confiscate to his own profit, the landed estates, called jaghires, of his parents, kindred, and principal nobility: only stipulating a pension to the net amount of the rent of the said lands, as an equivalent, and that equivalent to such only, whose lands had been guarantied to them by the company: but provided neither in the said pretended treaty, nor in any subsequent act, the least security for the payment of the said pension to those for whom such pension was ostensibly reserved; and, for the others, not so much as a show of indemnity;—to the extreme scandal of the British government, which, valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotic governments of India.

IX. That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid, did assert a claim of right in the same nabob to all the possessions of his said mother and grandmother, as belonging to him by the Mahomedan law; and this pretended claim was set up by the said Warren Hastings, after the nabob had, by a regular treaty, ratified and guarantied by the said Hastings, as governor-general, renounced and released all demands on them. And this false pretence of a legal demand was taken up and acted upon by the said Warren Hastings, without laying the

said question on record before the council general, or giving notice to the persons to be affected thereby, to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publicly the opinions of any person conversant therein.

X. That, in order to give further color to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow, and other places, before divers persons, and particularly before Sir Elijah Impey, knight, his majesty's chief justice, acting extra-judicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit to be deposed on oath; of reports, conjectures, and hearsays; some of the persons swearing to the said hearsays having declined to declare from whom they heard the accounts at second-hand sworn to: the said affidavits in general tending to support the calumnious charge of the said Warren Hastings, namely, that the aged women before mentioned had formed, or engaged in, a plan for the deposition of their son and sovereign, and the *utter extirpation* of the English nation: and neither the said charge against persons whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honor, property, and even lives, of women of the highest condition; nor the affidavits intended to support the same, extra-judicially taken *ex parte*, and without notice, by the said Sir Elijah Impey, and others, were at any time communicated to the parties charged, or to any agent for them; nor were they called upon to answer, nor any explanation demanded of them.

XI. That the article, affecting private property secured by public acts, in the said pretended treaty, contains nothing more than a general permission, given by the said Warren Hastings, for confiscating such jaghires, or landed estates, with the modifications therein contained, "as *he* [the nabob]

may find necessary;" but does not directly point at, or express by name, any of the landed possessions of the nabob's mother. But, soon after the signing of the said pretended treaty, (that is, on the 29th November, 1781,) it did appear, that a principal object thereof was to enable the nabob to seize upon the estates of his female parents aforesaid, which had been guarantied to them by the East-India Company. And although in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a simple permission to the nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his discretion, yet it appears, by several letters from Nathaniel Middleton, Esq., the resident at the court of Oude, of the 6th, 7th, and 9th of December, 1781, that no such discretion, as expressed in the treaty, was left, or intended to be left, with him, the said nabob; but that the said article ought practically to have a construction of a directly contrary tendency; that, instead of considering the article as originating from the nabob, and containing a power provided in his favor, which he did not possess before, the confiscation of the jaghires aforesaid was to be considered as a measure from the English, and to be intended for their benefit; and, as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him. And the resident, Middleton, on the nabob's refusal to act in contradiction to his sworn engagement, guarantied by the East-India Company, and in the undutiful and unnatural manner required, did totally supersede his authority in his own dominions, considering himself as empowered so to act by the instructions of the said Hastings, although he had reason to apprehend a general insurrection in consequence thereof, and that he found it necessary to remove his family, "which he did not wish to retain there in case of a rupture with the nabob, or the necessity of employing the British forces in the reduction of *his* aumils and troops:" and he did accordingly, as sovereign, issue his own edicts and warrants, in defiance

of the resistance of the nabob, in the manner by him described in the letters aforesaid, in a letter of 6th December, 1781, that is to say, "*Finding the nabob wavering in his determination about the resumption of the jaghires,* I this day, in presence of, and with the minister's concurrence, ordered the necessary perwannahs to be written to the several aumils for that purpose; and it was my firm resolution to have despatched them this evening, with proper people to see them punctually and implicitly carried into execution; but, before they were all transcribed, I received a message from the nabob, who had been informed, by the minister, of the resolution I had taken, entreating that I would withhold the perwannahs until to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the despatch of the perwannahs appeared of little moment, and as it is possible the nabob, *seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but, be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers.* Your pleasure respecting the begums I have learnt from Sir Elijah; and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the company's balance."—And also in another letter of the 7th December, 1781,—"I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of *the jaghires. This morning the vizier came to me according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting, on his part, of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of*

employing that exclusive authority with which I consider your instructions to vest me: I therefore declared to the nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed, as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power, towards liquidating his heavy accumulating debt to the company; and that I must in consequence determine, in my own justification, *to issue immediately the perwannahs*, which had only been withheld in the sanguine hope that he would be prevailed upon to *make that his own act*, which nothing but the most urgent necessity could force *me to make mine.*—He left me without any reply; but afterwards sent for his minister, and authorized him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no further delays; and, unless I received his excellency's formal acquiescence before the evening, I should then most assuredly issue *my* perwannahs; which *I have accordingly done*, not having had any assurances, from his excellency, that could justify a further suspension. I shall, as soon as possible, inform you of the effects of the perwannahs, which, in many parts, I am apprehensive it will be found necessary *to enforce with military aid.* I am not, however, entirely without hopes that the nabob, when *he sees the inefficacy of further opposition*, may alter his conduct, and prevent *the confusion and disagreeable consequences, which would be too likely to result from the prosecution of a measure of such importance without his concurrence.* His excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days; *I wish he may be serious in his intention*, and you may rest assured, *I shall spare no pains to keep him to it.*"——And further, in a letter of the 9th December, 1781,—"I had the honor to address you on the 7th instant, informing you of the conversation which had passed between the nabob and

me, on the subject of resuming the jaghires, and the step I had taken in consequence. *His excellency appeared to be very much hurt and incensed at the measure; and loudly complains of the treachery of his ministers; first, in giving you any hopes that such a measure would be adopted; and, secondly, in their promising me their whole support in carrying it through: but, as I apprehend, rather than suffer it to appear that the point had been carried in opposition to his will, he at* length yielded a *nominal* acquiescence, and has this day issued his own perwannahs to that effect; *declaring, however, at the same time, both to me and his ministers, that it is an act of compulsion.* I hope to be able, in a few days, in consequence of this measure, to transmit to you an account of the actual value and produce of the jaghires, opposed to the nominal amount at which they stand rated on the books of the sircar."

XII. That the said Warren Hastings, instead of expressing any disapprobation of the proceedings aforesaid, in violation of the rights secured by treaty with the mother and grandmother of the reigning prince of Oude, and not less in violation of the sovereign rights of the nabob himself, did, by frequent messages, stimulate the said Middleton to a perseverance in, and to a rigorous execution of, the same; and, in his letter from Benares, of the 25th December, 1781, did "express doubts of his firmness and activity, and, above all, of his recollection of his instructions, and their importance; and that, if he could not rely on his own [power], and the means he possessed for performing those services, he *would free him* [the said Middleton] *from the charges*, and would proceed *himself* to Lucknow, and would *himself* undertake them."

XIII. That very doubtful credit is to be given to any letters written by the said Middleton to the said Warren Hastings, when they answer the purposes which the said

Warren Hastings had evidently in view, the said Middleton having written to him in the following manner, from Lucknow, 30th December, 1781:

XIV. "My dear Sir,—I have this day answered your *public* letter in the form *you seem to expect*. I hope there is nothing in it that may appear to you too pointed. *If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the nabob.* Though I do assure you, I myself represented to his excellency and the ministers, conceiving it to be your desire that *the apparent assumption of the reins of his government*, (for, in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be *fully and literally* enforced, but that it was necessary *you should have something to show on your side, as the company were deprived of a benefit without a requital; and, upon the faith of this assurance alone*, I believe I may safely affirm his excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it; *however, it is not too late to correct the error; and I am ready to undertake, and, God willing, to carry through whatever you may, on the receipt of my public letter, tell me is your final resolve.*"

XV. That it appears, but on his, the said Middleton's, sole authority, in a letter from the said Middleton, dated Lucknow, 2d December, 1781, that the nabob of Oude, wishing to evade the measure of resuming the jaghires aforesaid, did send a message to him, purporting "that, if the measure proposed was intended to procure the payment of the balance due to the company, he could better and more expeditiously effect that object, by taking from his mother the treasures

of his father, which he did assert to be in her hands, and to which he did claim a right: and that it would be sufficient that he, the said Hastings, *would hint his opinion upon it, without giving a formal sanction to the measure proposed;* and that, whatever his resolution upon the subject should be, it would be expedient to keep it secret;" adding, "*the resumption of the jaghires it is necessary to suspend till I have your answer to this letter.*"

XVI. That it does not appear that the said Hastings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon to Sir Elijah Impey, being then at Lucknow, for his, the said Middleton's, information; and it does appear that the seizing of the treasures of the mother of the nabob, said to have been proposed as an *alternative* by the said nabob, to prevent the resumption of the jaghires, was determined upon and ordered by the said Hastings; and that the resumption of the said jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed; not one only, but both sides, of the alternative being enforced upon the female parents of the nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East-India Company.

*XVIII. That Sir Elijah Impey, knight, his majesty's chief justice at Fort William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure; but was in reality in the secret of these and other irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said chief justice, a person particularly unfit for an agent, in the transaction of affairs, *primâ facie* at least unjust, violent, and op-

* See Orig.

pressive, contrary to public faith, and to the sentiments and law of nature, and which he the said Hastings was sensible "could not fail to draw obloquy on himself by his participation," did disgrace the king's commission, and render odious to the natives of Hindostan the justice of the crown of Great Britain.

XIX. That although the said Warren Hastings was, from the beginning, duly informed of the violence offered to the personal inclinations of the nabob, in the "apparent assumption of the reins of his government," for the purposes aforesaid, yet, more than two years after, he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May, 1783, "that it has been a matter of *equal surprise and concern* to him, to learn from the letters of the resident, that the nabob vizier was with difficulty, and almost unconquerable reluctance, induced to give his consent to the attachment of the treasure deposited by his father, under the charge of the begum his mother, and to the resumption of her jaghire, and the other jaghires of the individuals of his family;" which pretence of ignorance of the nabob's inclinations is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the nabob, he was not, nor did he pretend to be, ignorant of his, the nabob's, reluctance to *proceed* in the said measures; but did admit his knowledge of the nabob's reluctance to their full execution, and yet did justify the same as follows:

XX. "I desire that you will inform him (the nabob) that in these and the other measures, which were either proposed by him, or received his concurrence in the agreement passed between us at Chunar, I neither had, nor could have, any object *but his relief and the strengthening of his connection with the company;* and that I should not, on any other ground, have exposed myself to *the personal obloquy,*

which they could not fail to draw upon me by my participation in them, but left him to regulate, by his own discretion, and by his own means, the economy of his own finances, and, with much more cause, *the assertion of his domestic right. In these he had no regular claim to my interference;* nor had I, in my public character, any claim upon him, but for the payment of the debt then due from him to the company, although I was under the strongest obligations to require it for the relief of the pressing exigencies of their affairs.—He will well remember the manner in which, at a visit to him, in his own tent, I declared my acquiescence freely and without hesitation to each proposition, which afterwards formed the substance of a written agreement, as he severally made them; and he can want no other evidence of my motives for *so cheerful a consent*, nor for the requests which I added as the means of fulfilling his purposes in them. Had he not made these measures his own option, I should not have proposed them; *but having once adopted them, and made them the conditions of a formal and sacred agreement, I had no longer an option to dispense with them, but was bound to the complete performance and execution of them, as points of public duty and of national faith, for which I was responsible to my king and the company, my immediate superiors; and this was the reason for my insisting on their performance and execution, when I was told that the nabob himself had relaxed from his original purpose, and expressed a reluctance to proceed in it.*"

XXI. That the said Warren Hastings does admit, that the nabob had, originally, no regular claim upon him for his interference, or he any claim on the nabob, which might entitle him to interfere in the nabob's domestic concerns; yet, in order to justify his so insidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as before mentioned) did nothing more than give a permission to the nabob to resume the jaghires, *if HE*

should judge the same to be necessary; and did therefore leave the right of dispensing with the whole, or any part thereof, as much in his option after the treaty, as it was before; the declared intent of the article being only to remove the restraint of the company's guarantee forbidding such resumption, but furnishing nothing which could authorize putting that resumption into the hands and power of the company, to be enforced at their discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him, in the letter aforesaid, stated to be made equally against the will of the nabob, namely, that which was committed on the personal and movable property of the female parents of the nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

XXII. That the said Hastings, in asserting that he was bound to the acts aforesaid by public duty, and even by national faith, in the very instance in which that national faith was by him grossly violated; and in justifying himself, by alleging that he was bound to the *complete* execution by a responsibility to the company, which he immediately served; and by asserting, that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connection of the nabob with the British united company of merchants trading to the East-Indies, did disgrace the authority, under which he immediately acted. And that the said Hastings, in justifying his obligations to the said acts by a responsibility to the *king*, namely, to the king of Great Britain, did endeavor to throw upon his majesty, his lawful sovereign, (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign princes, the allies of his government,) the disgrace and odium of the aforesaid acts, in which a sovereign prince was by him, the said Hastings, made an instrument

of perfidy, wrong, and outrage to two mothers and wives of sovereign princes; and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian governor, representing a Christian sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

That the said Warren Hastings, by repeated messages and injunctions, and under menaces of "a dreadful responsibility," did urge the resident to a completion of this barbarous act; and well knowing that such an act would probably be resisted, did order him, the said resident, to use the British troops under his direction for that purpose; and did offer the assistance of further forces, urging the execution in the following peremptory terms: "You *yourself* must be *personally present;* you must not allow *any* negotiation or forbearance, but must prosecute both services, until the begums (princesses) are at the entire mercy of the nabob."

XXIII. That in conformity to the said peremptory orders, a party of British and other troops, with the nabob in the ostensible, and the British resident in the real command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grandmother of the nabob had their residence; and after expending two days in negotiation, (the particulars of which do not appear,) the resident not receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer inclosure of the palace of one of the princesses, and blocked up the other.

XXIV. That this violent assault and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the nabob to consent to any submission, until the resident sent in unto

them a letter from the said Warren Hastings (no copy of which appears) declaring himself no longer bound by the guarantee, and containing such other matter as tended to remove all their hopes, which seemed to be centered in British faith.

XXV. That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jewar Ali Khân and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favor with the late nabob, were ignominiously put into confinement under an inferior officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that is to say, on the 12th of January, 1782, deliver them over for the same purpose into the custody of Captain Neal Stuart, commanding the 8th regiment, by his order given in the following words: "to be kept in close and secure confinement, admitting of no intercourse with them, excepting by their four menial servants, who are authorized to attend them until further orders. You will allow them to have any necessary and convenience, which may be consistent with a strict guard over them."

XXVI. That in consequence of these severities upon herself, and on those whom she most regarded and trusted, the mother of the said nabob did at length consent to the delivering up of her treasures, and the same were paid to the resident, to the amount of the bond given by the nabob to the company for his balance of the year 1779–80, and the said treasure "was taken from the most secret recesses in the houses of the two eunuchs."

XXVII. That the nabob continuing still under the pressure of a further pretended debt to the company, for his balance of the year 1780–81, the resident, not satisfied with

the seizure of the estates and treasures of his parents aforesaid, although he, the said resident, did confess that the princess mother "had declared, *with apparent truth*, that she had delivered up *the whole of the property in her hands*, excepting goods, which, from the experience which he, the resident, had of the *small produce* of the sales of a former payment made by her in that mode, he did refuse, and that, in his opinion, it certainly would have amounted to little or nothing;" did proceed to extort another great sum of money, that is to say, the sum of £120,000 sterling, on account of the last pretended balance aforesaid. In order, therefore, to compel the said ministers and treasurers either to distress their principals by extorting whatever valuable substance might, by any possibility, remain concealed, or to furnish the said sum from their own estates, or from their credit with their friends, he, the resident, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated 20th January, 1782, in the following words:

XXVIII. "Sir,—When this note is delivered to you by Hoolas Roy, I have to desire that you order the two prisoners to be put *in irons, keeping them from all food, &c. agreeable to my instructions of yesterday.*

(Signed) "NATHL. MIDDLETON."

XXIX. That by the said unjust and rigorous proceeding, the said eunuchs were compelled to give their engagement for the payment of £120,000 sterling aforesaid, to be completed within the period of one month; but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grandmother of the nabob were themselves held under a strict guard; although, at the same time, the confiscated estates were actually in the company's possession, and found to exceed the amount of what they were rated at in the general

list of confiscated estates; and although the assistant resident, Johnson, did confess "that the object of distressing the bhow begum was merely to obtain a *ready-money* instead of a *dilatory payment*, and that this ready-money payment, if not paid, was recoverable in the course of a few months upon the jaghires in his possession; and that therefore it was not worth proceeding to any extremities beyond the one described, (namely, the confinement of the princesses, and the imprisonment and fettering of their ministers,) upon so respectable a family."

XXX. That after the surrender of the treasure, and the passing the bonds and obligations given as aforesaid, the resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the nabob was induced to leave the city of Fyzabad without taking leave of his mother, or showing her any mark of duty or civility. And on the same day the resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent that the nabob was not urged to greater degrees of rigor than those hitherto used towards his mother, he, the said resident, did, in his letter of the 6th February, give him an assurance in the following words:—"I shall, as you direct, use my influence to dissuade his excellency from concluding *any settlement* until I have your further commands."

XXXI. That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grandmother, as well as the mother, were now compelled to deliver what they declared was *the extent of the whole* of both their possessions, including down to their *table utensils;* which, as the resident admitted, "they had been, and were still delivering, and that no proof had yet been obtained of their having more."

XXXII. That bullion, jewels, and goods, to the amount of £500,000 and upwards, were actually received by the resident for the use of the company, before the 23d of February, 1782; and there remained, on the said extorted bond, no more than about £25,000, according to the statement of the eunuchs, and not above £50,000 according to that made by the resident.

XXXIII. That in this advanced state of the delivery of the extorted treasure, the ministers of the women aforesaid of the reigning family did apply to Captain Leonard Jaques, under whose custody they were confined, to be informed of the deficiency with which they stood charged, that they might endeavor, with the assistance of their friends, to provide for the same, and praying that they might, through his mediation, be freed from the hardships they suffered under their confinement; to which application they received an insolent answer from the said Richard Johnson, dated February 27th, 1782, declaring, that part of what he had received in payment was in jewels and bullion; and that more than a month, the time fixed for the final payment, would elapse before he could dispose of the same; insisting upon a ready-money payment, and assuring them, "that the day on which their agreement expired, he should be indispensably obliged to recommence severities upon them, until the last farthing was fully paid." And in order to add to their terrors and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned ministers aforesaid, in the following words:—"You may also mention to them, that I have reason to *suspect* that the commotions raised by Bulbudder have not been without their *suggestions and abetment*, which, if proved upon them, in addition to the *probable* breach of their agreement, will make their situation *very desperate*."

XXXIV. That on the receipt of the said letter, that is, on the 2d March, the ministers aforesaid did aver, that they were not able to obtain cash in lieu of the jewels and other effects; but that, if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and they did absolutely deny "that they had any hand in the commotions raised by Bulbudder, or any kind of correspondence with him or his adherents."

XXXV. That the prisoners aforesaid did shortly after, that is to say, on the 13th March, a third time renew their application to Nathaniel Middleton, Esq., the resident, and did request that the jewels remaining in his, the said resident's, hands, towards the payment of the balance remaining, "might be valued by four or five eminent merchants, Mussulmen and Hindûs, upon oath," and that if any balance should afterwards appear, they would upon their release get their friends to advance the same: and they did again represent the hardship of their imprisonment, and pray for relief; and did again assert that the imputations thrown upon them by the said Richard Johnson were false and groundless; "that they had no kind of intercourse, either directly or indirectly, with the authors of the commotions alluded to, and that they did stake their lives upon the smallest proof thereof being brought."

XXXVI. That, instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the resident Middleton, did, on the 18th of the said month, give to the officer, who had supplicated in favor of the said prisoners, an order, in which he declared himself "under the disagreeable necessity of recurring to severities, to enforce the said

payment; and that this is therefore to desire that you immediately cause them *to be put in irons*, and keep them so until I shall arrive at Fyzabad to take further measures as may be necessary." Which order being received at Fyzabad the day after it was given, the said eunuchs were a second time thrown into irons. And it appears that (probably in resentment for the humane representations of the said Captain Jaques) the resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said ministers of the nabob's mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows:—"you have also ordered me to put the prisoners in irons—this I have done, yet as I have no business to purchase fetters, or supply them any other way, it is but reasonable that you should order me to be reimbursed. And why should I add any thing more? A late commander at this place, I am told, draws near as many thousands monthly contingencies, as my trifling letter for hundreds. However, if you cannot get my bill paid, be so obliging as to return it, and give me an opportunity of declaring to the world, that I believe I am the first officer in the company's service, who has suffered in his property by an independent command."

XXXVII. That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May, did represent to the resident as follows.—"The prisoners, Baher and Jewar Ally Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure *they will be equally as secure without their irons as with them*, I think it my duty to inform you of this request: I desire to know your pleasure concerning it." To which letter the said offi-

cer did receive a direct refusal, dated 22d May, 1782, in the following words:—"I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation, while they persist in a breach of their contract with me; and indeed no indulgence can be shown them without the authority of the nabob, who, instead of consenting to moderate the rigors of their situation, would be most willing to multiply them." Endeavoring to join the nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties, by which, through the medium of her servants, it was intended to coerce his mother.

XXXVIII. That the said resident, in a few days after, that is to say, on the 1st June, 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated, to be read to the prisoners; and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment; and, "upon receiving from them a negative or unsatisfactory reply, to inform them that, all further negotiation being at an end, they must prepare for their removal to Lucknow, where they would be called upon to answer not only their recent breach of faith and solemn engagement, but also to atone for other heavy offences; the punishment of which, as had frequently been signified to them, it was in their power to have mitigated by a proper acquittal of themselves in this transaction." By which insinuations concerning the pretended offences of the said unhappy persons, and the manner by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear, that the said crimes and offences were charged for the purpose of ex-

torting money, and not upon principles, or for the ends, of justice.

XXXIX. That after some ineffectual negotiations to make the prisoners pay the money, which it does not appear to have been in their power to pay, they were again threatened by the resident, in a letter to Major Gilpin, dated 9th June, 1782, in the following terms:—"I wish you to explain once more to the prisoners the imprudence and folly of their conduct in forcing me to a measure, which must be attended with consequences so very serious to them; and that, when once they are removed to Lucknow, it will not be in my power to show them mercy, or to stand between them and the vengeance of the nabob. Advise them to reflect seriously upon the unhappy situation in which they will be involved in one case, and the relief it will be in my power to procure them in the other; and let them make their option."

XL. That he, the said resident, did also, at the same time, receive a letter from the princess mother, which letter does not appear, but to which only the following insolent return was made; that is to say, "the letter from the bhow begum is no ways satisfactory, and I cannot think of returning an answer to it. Indeed all correspondence between the begum and me has long been stopped; and I request you will be pleased to inform her, that I by no means wish to resume it, or to maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due."

XLI. That in consequence of these threats, and to prevent a separation of the ministerses from their mistress, several plans for the payment of the balance were offered, both by the mother of the nabob, and the prisoners, to which no other objection appears to have been made, than the length of time required by the parties to discharge the comparatively small remainder of the extorted bond; the officer on com-

mand declaring that, conformable to his instructions, he could not receive the same.

XLII. That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June, 1782, and were, on the next day, threatened with severities, "to make them discover where the balance might be procurable." And on the 28th, it should seem, that the severities for the purpose aforesaid were inflicted, at least upon one of them; for the assistant resident, Johnson, did, on that day, write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honor, justice, and humanity of the British nation.

XLIII. "Sir,—The nabob having determined to *inflict corporal punishment upon the prisoners* under your guard, this is to desire, that his officers, when they shall come, may have free access to the prisoners, and *be permitted to do with them as they shall see proper*, only taking care, that they leave them always under your charge."

XLIV. That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the nabob's dominions into the castle of Churnagur, in order for ever to separate them from their principals, and deprive both of their reciprocal protection and services, and did order a further guard to be put on the palace of the grandmother of the nabob, an ally of the company, and to prevent the entrance of the provisions to her, (which order relative to the guard only was executed,) and did use sundry unworthy and insulting menaces, both with regard to herself and to her principal ministers.

XLV. That a proposal was soon after made by the said

princess and her daughter-in-law, praying that their ministers aforesaid should be returned to Fyzabad, and offering to raise a sum of money on that condition; as also that they would remove from one of their palaces, whilst the English were to be permitted to search the other. But the assistant resident Johnson did, instead of a compliance with the former of these propositions, send the following orders, dated 23d July, 1782, to the officer commanding the guard on the ministers aforesaid: "some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security; you will therefore be pleased to be very strict in guarding them; and I herewith send *another pair of fetters to be added to those now upon the prisoners.*" And in answer to the second proposition, the said resident did reply in the following terms: "the proposal of evacuating one palace, that it may be searched, and then evacuating the next upon the same principle, is apparently fair: but it is well known in the first place, that such bricked up, or otherwise hidden, treasure, is not to be hit upon in a day without a guide. I have therefore informed the nabob of this proposal, and if the matter is to be reduced to a search, he will go himself with such people as he may possess for information, together with the prisoners; and when in possession of the ground, by *punishing the prisoners*, or by such *other means as he may find most effectual* to forward a successful search upon the spot, he will avail himself of the proposal made by the bhow begum."

XLVI. That, probably from the nabob's known and avowed reluctance to lend himself to the perpetration of the oppressive and iniquitous proceedings of the representative of the British government, the scandalous plan aforesaid was not carried into execution: and all the rigors practised upon the chief ministers of the ladies aforesaid at Lucknow being found ineffectual, and the princess mother having declared herself ready to deliver up every thing valuable in her pos-

session, which Baher Ally Khân, one of her confidential ministers aforesaid, only could come at, the said change of prison was agreed to; but not until the nabob's mother aforesaid had engaged to pay, for the said change of prison, a sum of £10,000, (one-half of which was paid on the return of the eunuchs,) and that "she would ransack the *zenana* (women's apartments) for kincobs, muslins, clothes, &c. &c. &c., and that she would even allow a deduction from the annual allowance made to her for her subsistence, in lieu of her jaghire."

XLVII. That, soon after the return of the aforesaid ministers to the place of their imprisonment at Fyzabad, bonds for the £5,000 aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of £40,000, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the begum to visit Lucknow with such proposals as he hoped would secure the *small balance* of £15,000 remaining of the unjust exaction aforesaid. But the said resident Middleton did, in his letter of the 17th of the said month, positively refuse to listen to any terms, before the final discharge of the whole of the demand; and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid, in the terms following: "As it is not possible to listen to *any* terms from the begums, before the final discharge of their conditional agreement for fifty-five lacks, your coming here upon such an agency can only *be loss of time* in completing the recovery of the balance of 6,55,000, for which your regiment was sent to Fyzabad. I must, therefore, desire you will leave *no efforts, gentle or harsh,* unattempted to complete this, before you move from Fyzabad; and I am very anxious that this should be as soon as possible, *as I want to employ your regiment upon other emergent service now suffering by every delay.*"

XLVIII. That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown; and the harsh and oppressive measures aforesaid being still continued, the begum did, about the middle of October, 1782, cause to be represented to the said Middleton as follows: "that her situation was truly pitiable: her estate sequestered; her treasury ransacked; her cojahs prisoners; and her servants deserting daily, from want of subsistence. That she had solicited the loan of money, to satisfy the demands of the company, from every person that she imagined would or could assist her with any, but that the opulent would not listen to her adversity. She had hoped that the wardrobe sent to Lucknow might have sold for at least one half of the company's demands on her; but even jewelry and goods, she finds from woful experience, lose their value the moment it is known they come from her. That she had now solicited the loan of cash from Almas Ally Cawn, and, if she failed in that application, she had no hopes of ever borrowing a sum equal to the demand."—An hope not likely to be realized, as the said Almas Ali was then engaged for a sum of money to be raised for the company's use, on the security of their confiscated lands, the restoration of which could form the only apparent security for a loan.

XLIX. That this remonstrance produced no effect on the mind of the aforesaid resident; who, being about this time removed from his residency, did, in a letter to his successor, Mr. Bristow, dated 23d October, 1782, in effect, recommend a perseverance in the cruel and oppressive restraints aforesaid, as a certain means of recovering the remainder of the extorted bond; and that the lands, with which the princesses aforesaid had been endowed, should not be restored to them.

L. That the said Warren Hastings was duly apprized of all the material circumstances in the unjust proceedings aforesaid; but did nothing to stop the course they were in, or to

prevent, relieve, or mitigate, the sufferings of the parties affected by them; on the contrary, he did, in his letter of the 25th of January, 1782, to the resident Middleton, declare that the nabob having consented to the "resumption of the jaghires held by the begums, and to the confiscation of their treasures, and thereby involved my own name, and the credit of the company in a participation of both measures, I have a right to *require and insist on the complete execution of them;* and I look to you for their execution, declaring that I shall hold you accountable for it." And it appears that he did write to the nabob a letter in the same peremptory manner; but the said letter has been suppressed.

LI. That he, the said Hastings, further did manifest the concern he took in, and the encouragement which he gave to, the proceedings aforesaid, by conferring honors and distinctions upon the ministers of the nabob, whom he, the nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonor of his family, and the usurpation of his authority.—That the said ministers did make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed); and the resident Middleton did, with his letter of the 11th of February, 1782, transmit the same; and did, in the said letter, acquaint the said Hastings "that the ministers of the nabob had incurred much odium on account of their participation in his measures, and that they were not only considered by the party of the dispossessed jaghiredars, and the mother and uncle of the nabob, but *by the nabob himself*, as the *dependants of the English government, which they certainly are; and it is by its declared and most obvious support alone*, that they can maintain the authority and influence which is indispensably necessary." And the said Middleton did therefore recommend "that they should be honored with some testimony of his (the said Hastings's) approbation and favor." And he, the said

Warren Hastings, did send kellauts, or robes of honor, (the most public and distinguished mode of acknowledging merit known in India,) to the said ministers, in testimony of his approbation of their late services.

LII. That the said Hastings did not only give the aforesaid public encouragement to the ministers of the nabob to betray and insult their master and his family, in the manner aforesaid, but, when the said nabob did write several letters to him, the said Hastings, expressive of his dislike of being used as an instrument in the dishonorable acts aforesaid, and refusing to be further concerned therein, he, the said Warren Hastings, did not only suppress and hide the said letters from the view of the court of directors, but, in his instructions to the resident Bristow, did attribute them to Hyder Beg Khân, minister to the nabob, (whom, in other respects, he did before, and ever since, support against his master,) and did express himself with great scorn and contempt of the said nabob, and with much asperity against the said minister; affirming, in proud and insolent terms, that he had, "by an abuse of his influence over the nabob, he, the nabob himself, being *(as he ever must be in the hands of some person) a mere cipher in his (the said minister's) hands, dared* to make him (the nabob) *assume* a very *unbecoming* tone of refusal, reproach, and resentment, in opposition to *measures recommended by ME*, and even *to acts done by MY authority;*" the said Hastings, in the instruction aforesaid, particularizing the resumption of the jaghires, and the confiscation of the treasures that had been so long suffered to remain in the hands of his (the nabob's) mother. But the letters of the nabob, which in the said instructions he refers to, as containing an opposition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he, the said Hastings, hath criminally withheld from the company, contrary to their orders, and to his duty; and the more, as the said letters

must tend to show in what manner the said nabob did feel the indignities offered to his mother, and the manner in which the said ministers, notwithstanding their known dependence on the English government, did express their sense of the part which their sovereign was compelled to act in the said disgraceful measures. And, in further instructions to him, the said new resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the nabob to those rigorous proceedings against his parent, from which he had long shown himself so very averse, in the following words: "The severities, which have been increased towards the begums, were most justly merited, by the advantage which they took of the troubles in which I was personally involved last year, to create a rebellion in the nabob's government, and to complete the ruin which they thought was impending on ours." "If it is the nabob's desire to forget and to forgive their past offences, I have no objection to his allowing them, in pension, the nominal amount of their jaghires; but if he shall *ever offer* to restore their jaghires to them, or to give them any property in land, after the warning which they have given him by the dangerous abuse which they formerly made of his indulgence, you must remonstrate in the strongest terms against it; *you must not permit such an event to take place*, until this government shall have received information of it, and shall have had time to interpose its influence for the prevention of it." And the said Warren Hastings, who did, in the manner aforesaid, positively refuse to admit the nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know that the revenues of the said nabob were at that time so far applied to the demands of the company, (by him, the said Warren Hastings, aggravated beyond the whole of what they did produce,) or were otherwise so far applied to the purposes of several of the servants of the company, and others, the dependants of him, the said Hastings, that none of the pensions or allow-

ances assigned by the said nabob, in lieu of the said estates confiscated, were paid, or were likely to be discharged, with that punctuality which was necessary even to the scanty subsistence of the persons, to which they were in name and appearance applied. For,

LIII. That, so early as the 6th of March, 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the palaces at Fyzabad, did complain to the resident, Richard Johnson, in the following words: "The women belonging to the Khord Mohul (or lesser palace) complain of their being in want of every necessary of life, and are at last driven to that desperation, that they at night get on the top of the zenanah, make a great disturbance, and last night not only alarmed the sentinels posted in the garden, but threw dirt at them; they threaten to throw themselves from the walls of the zenanah, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any directions to give me concerning it. I also beg leave to acquaint you I sent for Letafit Ali Khân, the cojah, who has the charge of them, and who informs me it is well grounded, that they *have sold every thing they had, even to the clothes from their backs, and now have no means of subsisting.*"

LIV. That the distresses of the said women grew so urgent on the night of the said 6th of March, the day when the letter above recited was written, that Captain Leonard Jaques aforesaid did think it necessary to write again, on the day following, to the British resident, in the following words: "I beg leave to address you again concerning the women in the Khord Mohul [the lesser palace]. Their behavior last night was so furious that there seemed the greatest probability of their proceeding to the uttermost extremities, and that they would either *throw themselves from the walls, or force open the doors of the zenanah.* I have made every inquiry

concerning the cause of their complaints, and find from Lattafit Ally Khân, that they are in a *starving condition, having sold all their clothes and necessaries, and now have not wherewithal to support nature;* and, as my instructions are quite silent on this head, I should be glad to know how to proceed in case they were to force the doors of the zenanah, as I suspect it will happen, should no subsistence be very quickly sent to them."

LV. That, in consequence of these representations, it appears that the said resident, Richard Johnson, did promise that an application should be made to certain of the servants of the nabob vizier, to provide for their subsistence.

LVI. That Captain Jaques being relieved from the duty of imprisoning the women of Shuja ul Dowla, the late sovereign of Oude, an ally of the company, who dwelt in the said lesser palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new resident, Bristow, in a letter of the 30th of October, 1782, as follows:

LVII. "Sir,—Last night, about eight o'clock, the women in the Khord Mohul [lesser palace], or zenanah [women's apartment], under the charge of Latafut Ally Khân, assembled on the tops of the buildings, *crying in a most lamentable manner for food, that for the last four days they had got but a very scanty allowance, and that yesterday they had got none.*

LVIII. "*The melancholy cries of famine are more easily imagined than described;* and from their representation, I fear the nabob's agents for that business are very inattentive; I therefore think it requisite to make you acquainted

with the circumstance, that his excellency the nabob may cause his agents to be more circumspect in their conduct towards these poor unhappy women."

LIX. That, although the resident Bristow did not then think himself authorized to remove the guard, he did apply to the minister of the nabob, who did promise some relief to the women of the late nabob, confined in the lesser palace; but apprehending, with reason, that the minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the repayment of any sum equal to £1,000 sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given (the amount thereof not appearing) the same was soon exhausted; and the number of persons to be maintained in the said lesser palace being eight hundred women, the women of the late sovereign Shuja ul Dowla, and several of the younger children of the said sovereign prince, besides their attendants, Major Gilpin was obliged, on the 15th of November following, again to address the resident by a representation of this tenor: "Sir, the repeated cries of the women in the Khord Mohul Zenanah for subsistence have been truly melancholy.

LX. "*They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death.*"

LXI. "In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favor of Ramnarain, at ten days sight, for twenty Son Kerah rupees, ten thousand of which I have paid to Cojah Latafut Ally Cawn, under whose charge that zenanah is."

LXII. That, notwithstanding all the promises and reite-

rated engagements of the minister Hyder Beg Khân, the ladies of the palace aforesaid fell again into extreme distress; and the resident did again complain to the said minister, who was considered to be, and really and substantially was, the minister of the governor-general, Warren Hastings aforesaid, and not of the nabob, (the said nabob being, according to the said Hastings's own account, "a cipher in his [the said minister's] hands,") that the funds allowed for their subsistence were not applied for their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings's, minister, the supply was not more plentiful or more regular than before.

LXIII. That the said resident Bristow, finding, by experience, the inefficacy of the courses which had been pursued with regard to the mother and grandmother of the reigning prince of Oude, and having received a report from Major Gilpin, informing him that all which could be done by force, had been done; and that the only hope which remained, for realizing the remainder of the money unjustly exacted as aforesaid, lay in more lenient methods; he, the said resident, did, of his own authority, order the removal of the guard from the palaces, the troops being long and much wanted for the defence of the frontier, and other material services; and did release the said ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as afore-recited, for near twelve months.

LXIV. That the manner in which the said inhuman acts of rapacity and violence were felt both by the women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December, 1782; and is stated, in two letters of that date from Major Gilpin to the resident, in the words following:

LXV. "I have to acknowledge the receipt of your letter of the 2d instant, and in consequence immediately enlarged the prisoners Behar Ally Khân and Jewar Ally Khân from their confinement; a circumstance that gave the begums, and the city of Fyzabad in general, the greatest satisfaction.

LXVI. "In tears of joy, Behar and Jewar Ally Khân expressed their sincere acknowledgments to the governor-general, his excellency the nabob vizier, and to you, Sir, for restoring them to that invaluable blessing, liberty, for which they would ever retain the most grateful remembrance; and, at their request, I transmit you the inclosed letters.

LXVII. "I wish you had been present at the enlargement of the prisoners. The quivering lips, with the tears of joy stealing down the poor men's cheeks, was a scene truly affecting.

LXVIII. "If the prayers of these poor men will avail, you will, at the LAST TRUMP! be translated to the happiest regions in heaven."

LXIX. And the resident, Bristow, knowing how acceptable the said proceeding would be to all the people of Oude, and the neighboring independent countries, did generously and politically, (though not truly,) in his letter to the princess mother, attribute the said relief, given to herself, and the release of her ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act; asserting that he, the said Hastings, "was the spring from whence she was restored to her dignity and consequence." And the account of the proceedings aforesaid was regularly transmitted to the said Warren Hastings on the 30th of December, 1782, with the reasons and motives thereto, and a copy of the report of the officer concerning the inutility of

further force, attended with sundry documents concerning the famishing, and other treatment, of the women and children of the late sovereign; but the same appear to have made no proper impression on the mind of the said Warren Hastings: for no answer whatsoever was given to the said letter until the 3d of March, 1783, when the said Hastings, writing in his own character and that of the council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and tendency with those which (for several of the last months, at least, of the said proceeding) had been employed with so little advantage to the interest, and with so much injury to the reputation, of the company, his masters, in whose name he acted; expressing himself, in the said letter of the 3d of March, 1783, as follows: "We desire you will inform us what means have been taken for recovering the balance [the pretended balance of the extorted money] due from the begums [princesses] at Fyzabad; and, if necessary, you must recommend it to the vizier *to enforce the most effectual means* for that purpose." And the resident did, in his answer to the board, dated 31st March, 1783, on this peremptory order, again detail the particulars aforesaid to the said Warren Hastings, referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances; and, in particular, that the company did not, in plundering the mother of the reigning prince of her wearing apparel and beasts of carriage, receive a value in the least equal to the loss she suffered; the elephants having no buyer but the nabob, and the clothes, which had last been delivered to Middleton at a valuation of £30,000, were so damaged by ill keeping in warehouses, that they could not be sold, even for six months' credit, at much more than about £8,000; by which a loss in a single article was incurred of £22,000 out of the £50,000, for the recovery of which (supposing it had been a just debt) such rigorous means had

been employed, after having actually received upwards of £500,000 in value to the company, and extorted much more in loss to the suffering individuals. And the said Bristow, being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the governor-general and council, did, on the same day, write another letter *to him particularly*, in which he did urge several arguments, the necessity of using of which to the said Hastings did reflect great dishonor on this nation, and on the Christian religion therein professed; viz. "that he had experienced great embarrassment in treating with her [the mother of the reigning prince], for, as the mother of the vizier, the people look up to her with great respect; and any hard measures, practised against women of her high rank, create discontent, and affect our national character." And the said resident, after condemning, very unjustly, her conduct, added, "still she is the mother of the prince of the country, and the religious prejudices of *mussulmen* prevail too strongly in their minds to forget her situation.

LXX. That the said Warren Hastings did not make any answer to the said letter. But the mother of the prince aforesaid, as well as the mother of his father, being, in consequence of his, the said Hastings's, directions, incessantly and rudely pressed by their descendant, in the name of the company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them; on the security of which alone they alleged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependants. And, in order to put some end to these differences, the vizier did himself, about the beginning of August, 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them

their landed estates aforesaid; and did issue an order, that they should be restored accordingly: but his minister aforesaid, having before his eyes the peremptory orders of him, the said Warren Hastings, did persuade his master to dishonor himself, in breaking his faith and engagement with his mother, and the mother of his father, by first evading the execution, and afterwards totally revoking his said public and solemn act, on pretence that he had agreed to the grant "from shame, being in their presence [the presence of his mother and grandmother], and that it was unavoidable at the time;"—the said minister declaring to him that it would be sufficient if he allowed them "money for their *necessary* expenses, and that would be *doing enough*."

LXXI. That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expenses being as ill supplied as before, the women and children of the late sovereign, father of the reigning prince, continued exposed to frequent want of the common necessaries of life; and, being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve, which constitute the dignity of the female sex in that part of the world, and, after great clamor and violent attempts, for one whole day, to break the inclosure of the palace, and to force their way into the public market, in order to move the compassion of the people, and to beg their bread, they did, on the next day, actually proceed to the extremity of exposing themselves to public view;—an extremity implying the lowest state of disgrace and degradation; to avoid which, many women in India have laid violent hands upon themselves: and they did proceed to the public market place with the starving children of the late sovereign, and the brothers and sisters of the reigning prince!—A minute account of the transaction aforesaid was written to the British resident at Lucknow by the person appointed to convey intelligence to him from Fyzabad, in the following par-

ticulars, highly disgraceful to the honor, justice, and humanity of this nation:

LXXII. "The ladies, their attendants, and servants, were still as clamorous as last night. Letafut, the daroga, went to them and remonstrated with them on the impropriety of their conduct, at the same time assuring them, that, in a few days, all their allowances would be paid; and, should not that be the case, he would advance them ten days' subsistence, upon condition that they returned to their habitation. None of them, however, consented to his proposals; but were still intent upon making their escape through the bazar [market place], and in consequence formed themselves into a line, arranging themselves in the following order: the children in the front; behind them the ladies of the seraglio; and behind them, again, their attendants: but their intentions were frustrated by the opposition which they met from Letafut's sepoys.

LXXIII. "The next day Letafut went twice to the women, and used his endeavors to make them return into the zenanah, promising to advance them 10,000 rupees; which, upon the money being paid down, they agreed to comply with; but, night coming on, nothing transpired.

LXXIV. "On the day following their clamors were more violent than usual. Letafut went to consult with them on the business of yesterday, offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants. Letafut then went to Hushmund Ally Cawn, to consult with him upon what means they should take. They came to a resolution of driving them in by force; and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys consequently assem-

bled; and, each one being provided with a bludgeon, they drove them, by dint of beating, into the zenanah. The women, seeing the treachery of Letafut, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible, from the gates being shut, they kept up a continual discharge of stones and bricks till about ten; when, finding their situation desperate, they retired into the kung mohul, and forced their way from thence into the palace, and dispersed themselves about the house and garden; after this they were desirous of getting into the begum's apartment, but she being apprized of their intention ordered her doors to be shut. In the mean time, Letafut and Hushmund Ally Cawn posted sentries to secure the gates of the lesser mahal. During the whole of this conflict all the ladies and women remained exposed to the view of the sepoys. The begum then sent for Letafut and Hushmund Ally Cawn, whom she severely reprimanded, and insisted upon knowing the causes of this infamous behavior. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had been conformable to his excellency the vizier's orders. The begum alleged, that even admitting that the nabob had given those orders, they were by no means authorized in this manner to disgrace the family of Suja Dowla; and should they not receive their allowance for a day or two, it could be of no great moment: what was passed was now at an end, but that the vizier should certainly be acquainted with the whole of the affair, and that whatever he desired she should implicitly comply with. The begum then sent for five of the children, who were wounded in the affray of last night, and, after endeavoring to soothe them, she sent again for Letafut and Hushmund Ally Cawn, and in the presence of the children expressed her disapprobation of their conduct, and the improbability of Asuf ul Dowla's suffering the ladies and children of Suja Dowla to be disgraced by being exposed to the view of the rabble. Upon which Letafut produced the

letter from the nabob, at the same time representing, that he was amenable only to the orders of his excellency, and that whatever he ordered it was his duty to obey; and that had the ladies thought proper to have retired into their apartments quietly, he would not have used the means he had taken to compel them. The begum again observed, that what had happened was now over. She then gave the children 400 rupees, and dismissed them, and sent word by Jumrud and the other eunuchs, that if the ladies would peaceably retire to their apartments, Letafut would supply them with 3,000 or 4,000 rupees for their personal expenses, and recommended to them not to incur any further disgrace; and that if they did not think proper to act agreeably to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back into the zenanah. The next morning the begum waited upon the mother of Suja Dowla, and related to her all the circumstances of the disturbances. The mother of Suja Dowla returned for answer, that after there being no accounts kept of crores of revenues, she was not surprised, that the family of Suja Dowla, in their endeavors to procure a subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes, and shedding many tears, the begum took her leave, and returned home."

That the said affecting narrative being sent, with others of the same nature, on the 29th of January, 1784, to the said Warren Hastings, he did not order any relief in consequence thereof, or take any sort of notice whatsoever of the said intelligence.

LXXV. That the court of directors did express strong doubts of the propriety of seizing the estates aforesaid, and did declare to him, the said Hastings, "that the only consolation they felt on the occasion is, that the amount of those jaghires, *for which the company were guarantees*, is to be paid *through our resident at the court of the vizier*; and it

very materially concerns the credit of your governor on no account to *suffer such payments to be evaded.*" But the said Warren Hastings did never make the arrangement supposed in the said letter to be actually made, nor did he cause the resident to pay them the amount of their jaghires, or to make any payment to them.

And the said Hastings being expressly ordered by the court of directors to restore to them their estates, in case the charges made upon them should not be found true, he, the said Hastings, did contumaciously and cruelly decline any compliance with the said orders until his journey to Lucknow, when he did, as he says, "conformably to the orders of the court of directors, and more to the inclination of the nabob vizier, restore to them their jaghires, but with the defalcation, according to his own account, of a *large portion* of their respective shares;" pretending, without the least probability, that the said defalcation was a "voluntary concession on their part." But what he has left to them for their support, or in what proportion to that which he has taken away, he has no where stated to the court of directors, whose faith he has broken, and whose orders he has thus eluded, whilst he pretended to yield *some* obedience to them.

LXXVI. That the said Warren Hastings having made a malicious, loose, and ill-supported charge, backed by certain unsatisfactory affidavits, as a ground for his seizing on the jaghires, and the treasures of the vizier's mother, solemnly guarantied to them; the court of directors did, in their letter of the 14th of February, 1783, express themselves as follows concerning that measure;—"which the governor-general (he the said Warren Hastings) in his letter to your board the 23d January, 1782, has declared *he strenuously encouraged and supported;* we hope and trust, for the honor of the British nation, that the measure appeared fully justified in the eyes of all Hindostan. The governor-general

has informed us, that it can be well attested, that the begums (the mother and grandmother of the nabob aforesaid) *principally* excited and supported the late commotions; and that they carried their inveteracy to the English nation so far, *as to aim at our utter extirpation.*"—And the court of directors did further declare as follows:—"that it no where appears from the papers at present in our possession, that they (the mother and grandmother of the nabob of Oude) excited any commotions previous to the imprisonment of Rajah Cheit Sing, and only armed themselves in consequence of that transaction; and it is probable, that such a conduct proceeded from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions."—And the said court of directors, in giving their orders for the restoration of the jaghires, or for the payment of an equivalent through the resident, did give this order for the restoration of their estates as aforesaid on condition, that it should appear from inquiry, that they were not guilty of the practices charged upon them by the said Hastings. Mr. Stables, one of the council general, did, in execution of the said conditional order, propose an inquiry, leading to the ascertainment of the condition, and did enter a minute as follows: "that the court of directors, by their letters of the 14th of February, 1784, seem not to be satisfied, that the disaffection of the begums to this government is sufficiently proved by the evidence before them; I therefore think, that the late and present resident, and commanding officer in the vizier's country at the time, should be called on to collect what further information they can on this subject, in which the honor and dignity of this government is so *materially concerned;* and that such information may be transmitted to the court of directors." And he did further propose heads and modes of inquiry, suitable to the doubts expressed by the court of directors. But the said Warren Hastings, who ought, long before, on principles of natural justice, to have instituted a diligent inquiry in

support of his so improbable a charge, and was bound, even for his own honor, as well as for the satisfaction of the court of directors, to take a strong part in the said inquiry, did set himself in opposition to the same, and did carry with him a majority of council against the said inquiry into the justice of the cause, or any proposition for the relief of the sufferers; asserting, "that the reasons of the court of directors, if transmitted with the orders for the inquiry, will prove in effect an order for collecting evidence *to the justification and acquittal of the begums, and not for the investigation of the truth of the charges which have been preferred against them.*" That Mr. Stables did not propose, (as in the said Hastings's minute is groundlessly supposed,) that the reasons of the court of directors should be transmitted with the orders for an inquiry. But the apprehension of the said Warren Hastings of the probable result of the inquiry proposed did strongly indicate his sense of his own guilt, and the innocence of the parties accused by him; and if, by his construction, Mr. Stables's minute did indicate an inquiry merely for the justification of the parties by him accused, (which construction the motion did not bear,) it was no more than what the obvious rules of justice would well support; his own proceedings having been *ex parte;* he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without any inquiry made on their part, but without any communication to them of his practice and proceedings against them; and equity did at least require, that they, with his own knowledge, and by the subordinates of his own government, should be allowed a public inquiry to acquit themselves of the heavy offences, with which they had been by him clandestinely charged.

LXXVII. That he, the said Hastings, in order to effectually stifle the said inquiry, did enter on record a further minute, asserting that the said inquiry would be productive

"of evils greater than any which have already taken place, *and which time has almost obliterated;*" as also the following—"If I am rightly informed, the nabob vizier and the begums are on terms of mutual good-will. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it. They will instantly take fire on such a declaration, proclaim the judgment of the company in their favor, demand a reparation of the acts, which they will construe wrongs, with such a sentence warranting that construction, and either accept the invitation, to the proclaimed scandal of the nabob vizier, which *will not add to the credit of our government*, or remain in his dominions, but not under his authority, to add to his vexations, and the disorders of the country, by continual intrigues and seditions. Enough already exists to affect his peace and the quiet of his people. If we cannot heal, let us not inflame, the wounds, *which have been inflicted.*"—"If the begums think themselves aggrieved to such a degree as to justify them in an *appeal to a foreign jurisdiction;* to appeal to it against a man standing in the relation of son and grandson to them; *to appeal to the justice of those, who have been the abettors and instruments of their imputed wrongs*, let us at least permit them to be the judges of their own feelings, and prefer their complaints, before we offer to redress them. They will not need to be prompted. I hope I shall not depart from the simplicity of official language in saying, the majesty of justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs, and the promise of redress, with the denunciation of punishments before trial, and even before accusation."

LXXVIII. That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost*

obliterated by time, did not only mock and insult over the sufferings of the allies of the company, but did show an indecent contempt of the understandings of the court of directors; because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid had not their first commencement much above two years before that time, and had been continued, without abatement or relaxation on his part, to the very time of his minute; the nabob having, by the instigation of his, the said Hastings's, instrument, Hyder Beg Khân, not two months before the date of the consultation, been obliged a second time to break his faith, with relation to the estates of his mother, in the manner herein before recited. And the said Hastings did not, and could not, conceive that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible that the restoration of her landed estates, recommended by the court of directors, could not produce any ill effect on the mind of the said son, as it was "with almost unconquerable reluctance he had been persuaded to deprive her of them." And, at the time of his submitting to become an instrument in this injustice, he did "declare," both to the resident and his ministers, "that it was an act of compulsion."

LXXIX. That the said Hastings, further, by insinuating that the women in question would act amiss in appealing to a *foreign jurisdiction* against a son and grandson, could not forget that he, himself, being that foreign jurisdiction, (if any jurisdiction there was,) did himself direct and order the injuries; did himself urge the calumnies; and did himself cause to be taken and produced the unsatisfactory evidence, by which the women in question had suffered; and that it was against him, the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the inquiry was moved for by Mr. Stables, not on the prayer or

appeal of the sufferers, but upon the ill impression which the said Hastings's own conduct, merely and solely on his own statement of it, and on his own evidence in support of it, had made on the court of directors, who were his lawful masters, and not suitors in his court. And his arrogating to himself and his colleagues to be a tribunal, and a tribunal not for the purpose of doing justice, but of refusing inquiry, was an high offence and misdemeanor (particularly as the due obedience to the company's orders was eluded on the insolent pretence "that the majesty of justice ought to be approached with solicitation, and that it would debase itself by the suggestion of wrongs and the promise of redress,") in a governor, whose business it is, even of himself, and unsolicited, not only to promise, but to afford, redress to all those who should suffer under the power of the company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

LXXX. That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the inquiry moved by his colleague, Mr. Stables, had in all probability received from the resident, Middleton, or, if he had made the slightest inquiry from the said Middleton, then at Calcutta, might immediately receive, an account that *they did actually solicit* the said resident, through Major Gilpin, for redress against his, the said Hastings's, calumnious accusation, and the false testimony by which it was supported; and did send the said complaint to the resident, Middleton, by the said Gilpin, to be transmitted to him, the said Hastings, and the council, so early as the 19th of October, 1782; and that she, the mother of the nabob, did afterwards send the same to the resident, Bristow, asserting their innocence, and accompanying the same with the copies of letters (the originals of which they asserted were in their hands)

from the chief witnesses against them, Hannay and Gordon; which letters did directly overturn the charges or insinuations in the affidavits made by them; and that, instead of any accusation of an attempt upon them and their parties, by the instigation of the mother of the nabob, or by her ministers, they, the said Hannay and Gordon, did attribute their preservation to them, and to their services; and did, with strong expressions of gratitude both to the mother of the nabob and to her ministers, fully acknowledge the same. Which remonstrance of the mother of the nabob, and the letters of the said Hannay and Gordon, are annexed to this charge; and the said Hastings is highly criminal for not having examined into the facts alleged in the said remonstrance.

LXXXI. That the violent proceedings of the said Warren Hastings did tend to impress all the neighboring princes, some of whom were allied in blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honor, and decency of the British nation; and, accordingly, on the journey aforesaid made by the nabob from Lucknow to Fyzabad, in which the said nabob did restore, in the manner before mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears that the said journey did cause a general alarm, (the worst motives obtaining the most easy credit with regard to any future proceeding on account of the foregone acts,) and excited great indignation among the ruling persons of the adjacent country; insomuch that Major Brown, agent to the said Warren Hastings at the court of the King Shaw Allum at Delhi, did write a remonstrance thereon to Mr. Bristow, resident at Oude, as follows:—"The evening of the 7th, at a conference I had with Mirza Shaffee Cawn, he introduced a subject respecting the nabob vizier, which, however it may be disagreeable for you to know, and, consequently, for me to communicate, I am under a necessity of laying before you. He told me he had received information from Lucknow, that,

by the advice of Hyder Beg Cawn, the vizier had determined to bring his grandmother, the widow of Sufdar Jung, from Fyzabad to Lucknow, with a view of getting a further sum of money from her, by seizing on her eunuchs, digging up the apartments of her house at Fyzabad, and putting her own person under restraint. This, he said, he knew was not an act of our government, but the mere advice of Hyder Beg Cawn, to which the vizier had been induced to attend. He added that the old begum had resolved rather to put herself to death than submit to the disgrace intended to be put upon her; that, if such a circumstance should happen, there is *not a man in Hindostan who will attribute the act to the vizier* [*nabob of Oude*], *but every one will fix the odium on the English, who might easily, by the influence they so largely exercise in their own concerns there*, have prevented such unnatural conduct in the vizier. He therefore called upon me, as the English representative in this quarter, to inform you of this, that you may prevent a step which will destroy all confidence in the English nation throughout Hindostan, and excite the bitterest resentment in all those who, by blood, are connected with the house of Sufdar Jung." He concluded by saying "that, if the vizier so little regarded his family and personal honor, or his natural duty, as to wish to disgrace his father's mother for a sum of money, let him plunder her of all she has, but let him send her safe up to Delhi, or Agra, and, poor as I am, I will furnish subsistence for her, which she shall possess with safety and honor, though it cannot be adequate to her rank.—This, Sir, is a most exact detail of the conversation (as far as related to that affair) on the part of Mirza Shuffee Cawn. On my part I could only say that I imagined the affair was misrepresented, and that I should write as he requested. Let me therefore request that you will enable me to answer, in a more effectual manner, any further questions on this subject."

LXXXII. "As Murzee Shuffee's grandfather was brother

to Sufdar Jung, there can be no doubt of what his declaration means; and, if this measure of dismissing the old begum should be persisted in, I should not, from the state of affairs, and the character of the Amir ul Omrah, be surprised at some immediate and violent resolution being adopted by him."

LXXXIII. That Mirza Shuffee, mentioned in this correspondence, (who has since been murdered,) was of near kindred to the lady in question, (grandmother to the nabob,) was resident in a province immediately adjoining to the province of Oude, and from proximity of situation and nearness of connection, was likely to have any intelligence concerning his female relations from the best authority.

LXXXIV. That the resident, Bristow, on receiving this letter, did apply to the said Hyder Beg Cawn for an explanation of the nabob's intentions, who denied, that the nabob intended more than a visit of duty and ceremony; which, whatever his dispositions might have been, and probably were, towards his own mother, was not altogether probable, as it was well known, that he was on very bad terms with the mother of his father: and it appears, that intentions of a similar nature had been before manifested even with regard to his own mother, and therefore obtained the more easy credit concerning the other women of high rank aforesaid, especially as the evil designs of the said Hyder Beg were abundantly known; and that the said Hastings, upon whom he did wholly depend, continued to recommend "the most effectual, that is, the most violent, means for the recovery of the small remains of his extorted demand." But although it does not appear, that the resident did give credit to the said report, yet the effect of the same on the minds of the neighboring princes did make it proper and necessary to direct a strict inquiry into the same, which was not done; and it does not appear, that any further inquiry was made into the true motives for this projected journey to Fyzabad, nor into

the proceedings of Hyder Beg Cawn, although the said Warren Hastings well knew, that all the acts of the nabob and his principal ministers were constantly attributed to him; and that it was known, that secret agents, as well as the company's regular agent, were employed by him at Lucknow and other places.

LXXXV. That the said Hastings, who did, on pretence of the majesty of justice, refuse to inquire into the charges made upon the female parents of the nabob of Oude, in justification of the violence offered to them, did voluntarily and of his own accord make himself an accuser of the resident, Middleton, for the want of a literal execution of his orders in the plans of extortion and rapine aforesaid; the criminal nature, spirit, and tendency of the said proceedings, for the defective execution of which he brought the said charge, appearing in the defence or apology made by Mr. Middleton, the resident, for his temporary and short forbearances.

LXXXVI. "It could not, I flatter myself, be termed a long or unwarrantable delay (two days) when the importance of the business, and the peculiar embarrassments attending the prosecution of it to its desired end are considered. The nabob was son to the begum whom we were to proceed against; a son against a mother must at least *save appearances in his mode of proceeding*.—The produce of his negotiation was to be received by the company. Receiving a benefit, accompanying the nabob, withdrawing their protection, were circumstances sufficient to *mark the English as the principal movers in this business*. At a court, where no opportunity is lost to throw odium on us, so favorable an occasion was not missed to persuade the nabob that we instigated him to dishonor his family for our benefit. The impressions made by these suggestions constantly retarded the progress, and more than once actually broke off the business; which rendered the utmost caution on my part necessary, especially as I had no

assistance to expect from the ministers, who could not openly move in the business. In the east, it is well known, that no man, either by himself or his troops, can enter the walls of a zenana, scarcely in the case of acting against an open enemy, much less of *an ally;—an ally acting against his own mother.* The outer walls, and the begum's agents, were all that were liable to immediate attack; they were dealt with, and successfully, as the event proved."—He had before observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, "that no further rigor than that he had exerted could be used against females in that country; where force could be employed it was not spared. That the place of concealment was only known to the chief eunuchs, who could not be drawn out of the women's apartments, where they had taken refuge, and from which, if an attempt had been made to storm them, they might escape; and the secret of the money being known only to them, it was necessary to get their persons into his hands, which could be obtained by negotiation only."—The resident concluded his defence by declaring his "hope, that if the main object of his orders was fulfilled, he should be no longer held criminal for a deviation from the precise letter of them."

LXXXVII. That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist, "that his orders ought to have been literally obeyed," although he did not deny, that the above difficulties occurred, and the above consequences must have been the result; and though the reports of the military officers, charged with the execution of his commission, confirmed the moral impossibility, as well as inutility in point of profit, of forcing a son to greater violence and rigor against his mother.

LXXXVIII. That the said Hastings, after all the acts

aforesaid, did presume to declare on record, in his minute of the 23d September, 1783, "that whatever may happen of the events, which he dreads, in the train of affairs now subsisting, he shall at least receive this consolation under them, that he used his utmost exertions to prevent them; and that in the annals of the nations of India, which have been subjected to the British dominions, HE *shall not be remembered among their oppressors.*" And, speaking of certain alleged indignities offered to the nabob of Oude, and certain alleged suspicions of his authority with regard to the management of his household, he, the said Hastings, did, in the said minute, endeavor to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: "If there be a spark of generous virtue in the breasts of any of my countrymen, who shall be the readers of this compilation, this letter [a letter of complaint from the nabob] shall stand for an instrument to awaken it to the call of vengeance against so flagitious an abuse of authority, and reproach to the British name."

From her Excellency the Bhow Begum to Mr. Bristow, Resident at the Vizier's Court.

THERE is no necessity to write to you by way of information a detail of my sufferings. From common report, and the intelligence of those who are about you, the account of them will have reached your ears: I will here relate a part of them.

After the death of Shuja Dowla, most of his ungrateful servants were constantly laboring to gratify their enmity; but finding from the firm and sincere friendship, which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to insure their own

success. I must acquaint you that my son Asuf ul Dowla had formerly threatened to seize my jaghire; but upon producing the treaty signed by you, and showing it to Mr. Middleton, he interfered, and prevented the impending evil.—The conspiration now framed an accusation against me of a conduct, which I had never conceived even in idea, of rendering assistance to Rajah Cheit Sing. The particulars are as follow:— My son, Asuf ul Dowla and his ministers, with troops and a train of artillery, accompanied by Mr. Middleton, on the 16th of the month of Mohurum, arrived at Fyzabad, and made a demand of a crore of rupees. As my inability to pay so vast a sum was manifest, I produced the treaty *you* signed and gave me, but to no effect; their hearts were determined upon violence. I offered my son, Asuf ul Dowla, whose will is dearer to me than all my riches, or even life itself, whatever money and goods I was possessed of; but an amicable adjustment seemed not worth accepting; he demanded the delivering up of the fort, and the recall of the troops that were stationed for the preserving the peace of the city. To me tumult and discord appeared unnecessary. I gave up these points, upon which they seized upon my head eunuchs, Jewar Ally Cawn and Behar Ally Cawn, and sent them to Mr. Middleton, after having obliged them to sign a bond for sixty lacks of rupees; they were thrown into prison, with fetters about their feet, and denied food and water. I, who had never, even in my dreams, experienced such an oppression, gave up all I had to preserve my honor and dignity: but this would not satisfy their demands; they charged me with a rupee and a half batta upon each mohur, and on this account laid claims upon me to the amount of six lacks some thousand rupees, and sent Major Gilpin to exact the payment. Major Gilpin, according to orders, at first was importunate; but being a man of experience, and of a benevolent disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the shroffs and bankers to lend me the

money. But with the loss of my jaghires my credit was sunk; I could not raise the sum; at last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lacks of rupees, besides fifty thousand rupees, which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my jaghire. The state of the matter is this; when Colonel Hannay was by Mr. Hastings ordered to march to Benares during the troubles of Cheit Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of zemindars, who had seized this favorable opportunity;* they harassed Mr. Gordon near Junivard, and the zemindars of that place and Acberpore opposed his march from thence, till he arrived near Sanda. As the Sanda Nutta, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the fouzdar to supply him: he replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting; he forded the Nutta upon his elephant, and was hospitably entertained and protected by the fouzdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad; where having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession; copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the governor-general. To be brief, those, who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, notwithstanding the justness of my cause, that nobody re-

lieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes, with which I am overwhelmed.

Copy of a letter from Colonel Hannay to Jewar Ally Cawn and Bahar Ally Cawn.

I had the pleasure to receive your friendly letter, fraught with benevolence; and whatever favors you, my friends, have been pleased to confer respecting Mr. Gordon, afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation, that the aforesaid gentleman, with his baggage, will arive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is inclosed to you.—I am in expectation of its being inclosed in a cover to the aumil of *Saunde*, to the end thai the aumil may forward it to the above-mentioned gentleman, and procure his reply. Whenever the answer arrives let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health. (Continue to honor me with your correspondence.)

Copy of a Letter from Colonel Hannay to Jewar and Bahar Ally Cawn.

Cawn Saib, my indulgent friends, remain under the protection of God.

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the begum saib, of exalted dignity, and inclosing a letter from Mr. Gordon, sent through your hircarahs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree; it may be owing to the danger of the road, that it never arrived; not to the smallest neglect on my side (or of mine).

I now send two letters to you; one by the dawk people, and the second by one of my hircarahs, (who will present them to you,) which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shown.

You wrote me to remain perfectly easy concerning Mr. Gordon.—Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned that, as Mr. Gordon's coming with those attached to him (probably his sepoys and others) might be attended with difficulty, if I approved he should be invited alone to Fyzabad.—My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security, without molestation, at Fyzabad; but, at the same time, let the plan be so managed that it may not come to the knowledge of any zemindars; in this case you are men of discernment. However, he is to come to Fyzabad; extend your assistance and endeavors.

It is probable that the begum saib, of high dignity, has received authentic intelligence from the camp at Benares. Favor me with the contents or purport.

From Mr. Gordon's letter I understand that Mirza Imaum Baksh, whom you despatched thither, (Saunda,) has and still continues to pay great attention to that gentleman; which affords me great pleasure.

An answer to the begum's letter is to be presented. I also send a letter from Mr. Gordon, which please to forward.

An Address from Colonel Hannay to the Begum.

Begum Saib, of exalted dignity and generosity, &c., whom God preserve.

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favor, I had the honor to receive in a fortunate moment; and whatever you were pleased to write respecting Mr. Gordon, "that as at this time, the short-sighted and deluded ryots had carried their disturbances and ravages beyond all bounds, Mr. Gordon's coming with his whole people (or adherents) might be attended with difficulty; and therefore, if I chose, he should be invited to come alone." Now, as your highness is the best judge, your faithful servant reposeth his most unbounded hopes and expectation upon your highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honored and obliged.

Considering me in the light of a firm and faithful servant, continue to honor and exalt me by your letters.

What further can I say?

A copy of an Address from Mr. Gordon to the Begum.

Begum Saib, of exalted dignity and generosity, whom God preserve.

After presenting the usual professions of servitude, &c., in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity.

The welfare of your servant is entirely owing to your

favor and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your highness's information. I cherish hopes, from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honor me with your gracious letters.

May the sun of prosperity continually shine!

Copy of a Letter to Mahommed Jewar Ally Cawn, and Bahar Ally Cawn, from Mr. Gordon.

Sirs, my indulgent friends,
Remain under, &c. &c.

After compliments. I have the pleasure to acquaint you that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning, about ten or eleven o'clock, through your favor and benevolence, arrived safe at Goondah; Mur Aboo Buksh, zemindar, and Mur Rustum Ally, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in his keeping, and increase your prosperity, and speedily grant me the pleasure of an interview. Until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My compliments, &c. &c. &c.

Copy of a Letter from Colonel Hannay to Jewar Ally Cawn and Bahar Ally Cawn.

Cawn Saib, my indulgent friends,
Remain under the protection of the Supreme Being.

After compliments, and signifying my earnest desire of an interview, I address you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mur Nassar Ally with a force to Saunda, for the purpose of conducting Mr. Gordon with all his baggage, who is now arrived at Fyzabad.

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my steadfast, firm friends. The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the begum of high dignity, who so graciously has interested herself in this matter. Inclosed is an address for her, which please to forward. I hope from your friendship, until we meet, you will continue to honor me with an account of your health and welfare. What further can I write?

V. REVOLUTIONS IN FARRUCKABAD.

I. THAT a prince, called Ahmed Khân, was of a family amongst the most distinguished in Hindostan, and of a nation famous through that empire for its valor in acquiring, and its policy and prudence in well governing, the territories it had acquired, called the Patans, or Afghans, of which the Rohillas were a branch. The said Ahmed Khân had fixed his residence in the city of Farruckabad, and, in the first wars of this nation in India, the said Ahmed Khân attached himself to the company against Suja Dowla, then an enemy, now a dependant on that company. Ahmed Khân, towards the close of his life, was dispossessed of a large part of his dominions by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Shuja ul Dowla, the late vizier, who, finding a want of the services of the son and successor of Ahmed Khân, called Mouzaffer Jung, did not only guarantee him in the possession of what he then actually held, but engaged to restore all the other territories which had been occupied by the Mahrattas: and this was confirmed by repeated treaties and solemn oaths by the late vizier, and by the present; but neither the late nor the present vizier fulfilled their engagements, or observed their oaths; the former having withheld what he had stipulated to restore, and the latter not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, but, having made a further invasion by depriving him of fifteen of his districts, levying the tribute of the whole on the little that remained, and putting the small remains of his territory under a sequestrator, or collector, appointed by

Almas Ali Khân, who did grievously afflict and oppress the prince and territory aforesaid.

That the hardships of his case being frequently represented to Warren Hastings, Esq., he did suggest a doubt whether "that little ought to be still subject to tribute," indicating that the said tribute might be hard and inequitable; but, whatever its justice might have been, that, "from the *earliest period* of our connection with the present nabob of Oude, it had invariably continued a part of the funds assigned by his excellency as a provision for the liquidation of the several public demands of *this government* (Calcutta) upon him; and, in consequence of the powers the board deemed it expedient to vest in the resident at his court, for the collection of the company's assignments, a sezauwil [a sequestrator] has always been stationed to enforce, by every means in his power, the payment of the tribute." And the said tribute was, in consequence of this arrangement, not paid to the nabob, but to the British resident at Oude; and the same being, therefore, under the direction and for the sole use of the company, and, indeed, the prince himself wholly dependent, the representatives of the said company were responsible for the protection of the prince, and for the good government of the country.

II. That the said Warren Hastings did, on the 22d of May, 1780, represent to the board of Calcutta the condition of the said country, in the following manner:

"To the total want of all order, regularity, or *authority*, in his government, (the Farruckabad government,) among *other obvious causes*, it may, no doubt, be owing, that the country of Farruckabad is become *an almost entire waste, without cultivation or inhabitants;* that the capital, which, but a very short time ago, was distinguished as one of the most *populous and opulent* commercial cities in Hindostan, at present exhibits nothing *but* scenes of the most wretched poverty, desolation, and misery: and the nabob himself, though in possession of a tract of country which with only

common care is notoriously capable of yielding an annual revenue of between thirty and forty lacks, (£300,000 or £400,000,) with *no military establishment to maintain, scarcely commanding the means of bare subsistence.*" And the said Warren Hastings, taking into consideration the said state of the country, and its prince, and that the latter had "*preferred frequent complaints*" (which complaints the said Hastings to that time did not lay before the board, as his duty required) "*of the hardships and indignities* to which he is subjected by the conduct of the sezauwil [sequestrator] stationed in the country for the purpose of levying the annual tribute, which he is bound by treaty to pay to the soubah of Oude;" he, the said Warren Hastings, did declare himself "extremely desirous, as well from motives *of common justice*, as *due* regard to the *rank which that chief holds among the princes of Hindostan*, of affording him relief." And he, the said Warren Hastings, as the means of the said relief, did, with the consent of the board, order the said native sequestrator to be removed, and an English resident, a servant of the company, to be appointed in his room; declaring "he understood a local interference to be *indispensably necessary* for realizing the vizier's just demands."

III. That the said native sequestrator being withdrawn, and a resident appointed, no complaint whatever, concerning the collection of the revenue, or of any indignities offered to the prince of the country, or oppression of his subjects by the said resident, was made to the superior council at Calcutta; yet the said Warren Hastings did, nevertheless, in a certain paper, purporting to be a treaty made at Chunar with the nabob of Oude, on the 19th of September, 1781, at the request of the said nabob, consent to an article therein, "that no English resident be appointed to Farruckabad, and that the present be recalled;" and the said Warren Hastings, knowing that the nabob of Oude was ill affected towards the said nabob of Farruckabad, and that he was al-

ready supposed to have oppressed him, did justify his conduct on the principles and in the words following; "that if the nabob Mozaffer Jung *must* endure oppression, (*and I dare not at this time propose his total relief,*) it concerns the reputation of our government to remove our *participation in it.*" And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that princes, paying money wholly for the use of the company, and directly to its agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings, and the rather, because in the said treaty, as well as before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the nabob of Oude, did assume a complete authority over the said nabob himself, and did dare to oppress him.

IV. That the second principle, assumed by the said Warren Hastings as a ground for voluntarily abandoning the protection of those whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the persons so taken into protection, under false names and pretended descriptions, to known oppression, asserting, that the reputation of the company was saved by removing this apparent participation, when the new, as well as the old, arrangements were truly and substantially acts of the British government, was disingenuous, deceitful, and used to cover unjustifiable designs, since the said Warren Hastings well knew, that all oppressions exercised by the nabob of Oude were solely, and in this instance particularly, upheld by British force, and were imputed to this nation; and because he himself, in not more than three days after the execution of

this treaty, and in virtue thereof, did direct the British resident at Oude in orders, *to which he required his most implicit obedience*, "that the ministers (the nabob of Oude's ministers) are to choose *all* aumils and collectors of revenue with your concurrence." And the dishonor to the company in thus deceitfully concurring in oppression, which they were able and were bound to prevent, is much aggravated by the said Warren Hastings's receiving from the person, to whose oppression he had delivered the said prince, as a private gift or donation to himself, and for his own use, a sum of money, amounting to £100,000 and upwards, which might give just ground of suspicion, that the said gift from the oppressor to the person surrendering the person injured to his mercy, might have had some share in the said criminal transaction.

V. That the said Warren Hastings did (in the paper justifying the said surrender of the prince, put by himself under the protection of the East-India Company) assert, "that it was a fact, that the nabob Muzzattor Jung (the nabob of Farruckabad) is equally urgent with the nabob vizier for the removal of a resident," without producing, as he ought to have done, any document to prove his improbable assertion, namely, his assertion that the oppressed prince did apply to his known enemy and oppressor, the nabob of Oude, (who, if he would, was not able to relieve him against the will of the English government,) rather than to that English government, which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

VI. That the said Warren Hastings, in the said writing, did further convey an insinuation of an ambiguous, but, on any construction, of a suspicious and dangerous import; viz. "it is a fact, that Mr. Shee's (the resident's) authority over the territory of Farruckabad is in itself as much subversive

of that (*of the lawful rulers*) as that of the vizier's aumil (collector) ever was, and is the more *oppressive*, as the power from whence it is derived is greater." The said assertion proceeds upon a supposition of the illegality both of the nabob's and the company's government; all consideration of the *title* to authority being therefore, on that supposition, put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings's suggestion, that the oppression of government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person, intrusted with the lives and fortunes of men, to entertain, much more publicly to profess as a rule of action, as the same hath a direct tendency to make the new and powerful government of this kingdom in India dreadful to the natives, and odious to the world. But if the said Warren Hastings did mean thereby indirectly to insinuate, that oppressions had been actually exercised under the British authority, he was bound to inquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had; and the more, as the authority was given by *himself*, and the person exercising it was by himself also named. And the said Warren Hastings did on another occasion assert, that "whether they were well or ill founded, he never had an opportunity to ascertain." But it is not true, that the said Hastings did or could want such opportunity; the fact being, that the said Warren Hastings did never cause any inquiry to be made into any supposed abuses, during the said residency, but did give a pension of £1,500 pounds a year to the said late resident, as a compensation to him for an injury received, and did afterwards promote the resident, as a faithful servant of the company, (and nothing appears to show him otherwise,) to a judicial office of high trust; thereby taking away all credit from any grounds asserted or insinuated by the said Hastings for delivering the said nabob of Farruckabad to the hand of a known enemy and oppressor, who had already,

contrary to repeated treaties, deprived him of a large part of his territories.

VII. That on the said Warren Hastings's representation of the transaction aforesaid to the court of directors, they did heavily and justly censure the said Warren Hastings for the same, and did convey their censure to him, recommending relief to the suffering prince, but without any order for sending a new resident; being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

VIII. That all the oppressions foreseen by him, the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen; for immediately on the removal of the British resident, the country of Farruckabad was subjected to the discretion of a certain native manager of revenue, called Almas Ali Khân, who did impoverish and oppress the country, and insult the prince, and did deprive him of all subsistence from his own estates; taking from him even his gardens, and the tombs of his ancestors, and the funds for maintaining the same.

IX. That, on complaint of those proceedings, the said Hastings did, of his own authority, and without communicating with his council, direct the native collector aforesaid to be removed, and the territory of Farruckabad to be left to the sole management of its natural prince. But in a short time the said Hastings, pretending to receive many complaints, purporting that the tribute to the nabob remained wholly unpaid, and the agent to the prince of Farruckabad at the presidency, and afterwards chief manager to the prince aforesaid, having, as the said Warren Hastings saith, "had the insolence to propagate a report, that the *interference*, to which his master owed the power he then enjoyed, was *purchased* through him," he the said Hastings did again

(but, as before, without the council) "withdraw his protection and interference altogether" on or about the month of August, 1782, and did signify his resolution, through the resident Middleton, to the nabob vizier. But the said Hastings asserts, that "the consequence of this his own second dereliction of the prince of Farruckabad was an *aggravated renewal of the severities* exercised against his government, and the reappointment of a sezawall, with powers delegated or assumed, to the *utter extinction* of the rights of Muzuffer Jung, and actually depriving him of the means of subsistence." And the said Hastings did receive, on the 16th of February, 1783, from the prince aforesaid, a bitter complaint of the same to the following tenor:

"The miseries which have fallen upon my country, and the poverty and distress which have been heaped upon me by the reappointment of the sezawall are such, that a relation of them would, I am convinced, excite the strongest feelings of compassion in your breast. But it is impossible to relate them; on one side, my country ruined, and uncultivated, to a degree of desolation which exceeds all description; on the other, my domestic concerns and connections involved *in such a state of distress and horror, that even the relations, the children, and the wives of my father, are starving in want of daily bread, and are on the point of flying voluntary exiles from their country, and from each other.*"

But although the said Hastings did, on the 16th of February, receive and admit the justice of the said complaint, and did not deny the urgent necessity of redress, the said letter containing the following sentence: "if there should be *any delay* in your acceptance of this proposal, *my existence and the existence of my family will become difficult and doubtful:*"—and although he did admit the interference to be the more urgently demanded, "as the services of the English troops have been added to enforce the authority of the sezawall," and although he admits also, that even before

that time similar complaints and applications had been made, yet he did withhold the said letter of complaint, a minute of which he asserts he had, at or about that time, prepared for the relief of the sufferer, from the board of council, and did not so much as propose any thing relative to the same for seven months after, viz. until the 6th of October, 1783; the said letter and minute being, as he asserts, "*withheld*, from causes *not necessary to mention*, from presentation." By which means the said country and prince did suffer a long continuance of unnecessary hardship, from which the said Hastings confessed it was his duty to relieve them, and that a British resident was necessary at Farruckabad "from a sense of submission to the *implied* orders of the court of directors, in their letter of 1783, lately received, added to the *conviction I have LONG SINCE* entertained *of the necessity of such an appointment for the preservation of our national credit*, and the means of rescuing an ancient and respectable family from ruin."

And the said Warren Hastings did at length perform what he thought had *long since* been necessary, and in contradiction to his engagements with the nabob in the treaty of Chunar; and against his strong remonstrances, urging his humiliation from this measure, and the faith of the agreement, and against his own former declaration, that it concerned the reputation of our government to remove our participation in the oppressions, which he, the said Hastings, supposed the prince of Farruckabad must undergo, did once more recommend to the council a British resident at Farruckabad, and the withdrawing the native sezawall; no course being left to the said Hastings to take, which was not a violation of some engagement, and a contradiction to some principle of justice and policy, by him deliberately advanced and entered on record.

That Mr. Willes being appointed resident, and having arrived at Farruckabad on the 25th of February, 1784, with instructions to inquire minutely into the state of the country and

the ruling family, he, the said resident Willes, in obedience thereto, did fully explain to him, the governor-general, the said Warren Hastings, (he being then out of the company's provinces, at Lucknow, on a delegation, which respected this very country as part of the dependencies of Oude,) the situation of the province of Farruckabad; but the said Warren Hastings did not take or recommend any measure whatsoever for the relief thereof in consequence of the said representation; nor even communicate to the council general the said representation; and it was not until the 28th of June, 1783, that is, sixteen months from the arrival of the resident at his station, that any thing was laid before the board relative to the regulation or relief of the distressed country aforesaid, and that, not from the said Warren Hastings, but from other members of the council; which purposed neglect of duty, joined to the preceding wilful delay of seven months in proposing the said relief originally, caused near two years' delay. And the said Warren Hastings is further culpable in not communicating to the council board the order, which he had, of his own authority, and without any powers from them, given to the said resident Willes, and did thereby prevent them from taking such steps as might counteract the ill effects of the said order; which order purported that the said Willes was not to interfere with the nabob of Farruckabad's government, for the regulation of which he was in effect appointed to the residency; declaring as follows: "I rely much on your moderation and good judgment, which I hope will enable you to regulate your conduct towards the nabob and his *servants* in such a manner, that, *without interfering in the executive part of his government*, you may render him essential service by *your counsel and advice*." And this restriction the said Hastings did impose, which totally frustrated the purpose of the resident's mission, though he well knew, and had frequently stated, the extreme imbecility and weakness of the said nabob of Farruckabad, and his subjection to unworthy servants. And in the minute of con-

sultation, upon which he founded the appointment, he did state the nabob of Farruckabad "as a weak and unexperienced young man, who had abandoned himself entirely to the discretion of his servants; and the restoration of his independence was followed by a *total* breach of the engagements he had promised to fulfil, attended by pointed instances of contumacy and disrespect." And in the said minute the said Hastings adds (as before mentioned) his principal servant and manager had propagated a report, that the "*interference*, (namely, his the said Hastings's interference,) to which his master owed the power he then enjoyed, was purchased by him," the principal servant aforesaid; yet he, the said Hastings, who had assigned on record the character of the said nabob, and the conduct of his servants, and the aforesaid report of his principal servant, so highly dishonorable to him, the said Hastings, as reasons for taking away the independency of the nabob of Farruckabad, and the subjecting him to the oppression of the nabob of Oude's officer, Almar Ali, did again establish the pretended independence of the said prince of Farruckabad, and the real independence of his corrupt and perfidious servants, not against the nabob of Oude, but against a British resident appointed by himself ("as a character eminently qualified for such a charge") for the correction of those evils, and for rendering the prince aforesaid an useful ally to the company, and restoring his dominions to order and plenty.

That the said Hastings did not only disable the resident at Farruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious by a subsequent letter, rendering him liable to dismission by the vizier—thereby changing the tenure of the resident's office, and changing him from a minister of the company, dependent on the governor-general in council, to a dependant upon an unresponsible power; in this also acting without the council, and by his own usurped authority: and accordingly the resident did declare in his letter of the 24th of

April, 1785, "that the situation of the country was *more* distressful than when he (the prince of Farruckabad) addressed himself for relief in 1783, and that he was sorry to say, that his appointment at Farruckabad was of no use." That though the old tribute could not be paid, owing to famine, and other causes, it was increased by a new imposition, making the whole equal the entire *gross* produce of the revenue; that therefore there will not be "*any thing for the subsistence of the nabob and family.*" And the uncles of the said nabob of Farruckabad, the brethren of the late Ahmed Khân (who had rendered important services to the company) and their children, in a petition to the resident, represented, that soon after the succession of Mouzaffer Jung "their misery commenced. The jaghires, (lands and estates,) on which they subsisted, were disallowed. Our distress is great; we have neither clothes nor food. Though we felt hurt at the idea of explaining our situation, yet, could we have found a mode of conveyance, we would have proceeded to Calcutta for redress. The scarcity of grain this season is an additional misfortune. With difficulty we support life. From your presence without the provinces we expect relief. It is not the custom of the company to deprive the zemindars and jaghiredars of the means of subsistence. To your justice we look up."

This being the situation of the person and family of the nabob of Farruckabad and his nearest relations, the state of the country and its capital, prevented from all relief by the said Warren Hastings, is described, in the following words, by the resident Willes:

"Almas Ali has taken the pergunnah of Marara at a very inadequate rent, and his aumils have seized many adjacent villages; the pergunnahs of Cocutmow and Souje are constantly plundered by his people. The collection of the gauts near Futty Ghur has been seized by the vizier's cutwal, and the zemindars in four pergunnahs are so refractory as to have fortified themselves in their gurries, and to refuse

all payments of revenue. This is the state of the pergunnahs; *and Farruckabad, which was once the seat of great opulence and trade, is now daily deserted by its inhabitants, its walls mouldering away, without police, without protection; exposed to the depredations of a banditti of two or three hundred robbers, who, night after night, enter it for plunder, murdering all who oppose them. The ruin that has overtaken this country is not to be wondered at, when it is considered that there has been no stable government for many years.* There has been the nabob vizier's authority, his ministers, the residents at Lucknow, the sezawalls, the camp authority, the nabob Muzuffer Jung's, and that of twenty dewans or advisers. No authority sufficiently predominant to establish any regulations for the benefit of the country, whilst each authority has been exerted, as opportunity offered, for temporary purposes."

"Such being the present *deplorable* state of Farruckabad and its districts, in the ensuing year it will be in vain to look for revenue, if some regulations equal to the exigency be not adopted. The whole country will be divided between the neighboring powerful aumils, the refractory zemindars, and banditti of robbers; and the patans, who might be made useful subjects, will fly from the scene of anarchy. The crisis appears now come, that either some plan of government should be resolved on, so as to form faithful subjects on the frontier, or the country be given up to its fate; and if it be abandoned, there can be little doubt but that the Mahrattas will gladly seize on a station so favorable to incursions into the vizier's dominions, will attach to their interests the Hindoo zemindars, and possess themselves of forts, which, with little expense made formidable, would give employment perhaps to the whole of our force, should it be ever necessary to recover them."

That the council at Calcutta, on the representation aforesaid, made by the resident at Farruckabad, did propose and record a plan for the better government of the said country,

but did delay the execution of the same, until the arrangements made by the said Hastings with the nabob vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan that could be formed for that purpose upon the basis of a British resident at Farruckabad, by engaging with the said nabob vizier, that no British influence shall be employed within his dominions, and he has engaged to that prince not to abandon him to any other mode of relation; and he has informed the court of directors, that the territories of the nabob of Oude will be ruined, if residents are sent into them, observing, that "residents never will be sent for any other purposes than those of vengeance and corruption."

That the said Warren Hastings did declare to the court of directors, that in his opinion the mode of relief most effectual, and most lenient with regard to Farruckabad, would be to nominate one of the family of the prince to superintend his affairs, and to secure the payments; but this plan, which appears to be most connected with the rights of the ruling family, whilst it provides against the imbecility of the natural lord, and is free from his objection to a resident, is the only one which the said Hastings never has executed, or even proposed to execute.

That the said Hastings, by the agreements aforesaid, has left the company in such an alternative, that they can neither relieve the said prince of Farruckabad from oppression without a breach of the engagements entered into by him, the said Hastings, with the nabob vizier, in the name of the company, nor suffer him to remain under the said oppression, without violating all faith, and all the rules of justice with regard to him. And the said Hastings hath directly made or authorized no less than six revolutions in less than five years in the aforesaid harassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons for the several acts successively done and undone in this

transaction, the distresses of the country, and the disorders in its administration, have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanors.

VI. DESTRUCTION OF THE RAJAH OF SAHLONE.

I. THAT the late nabob of Oude, Shuja ul Dowla, did (on what reasons of policy, or pretences of justice, is unknown) dispossess a certain native person of distinction, or eminent rajah, residing in the country of Sahlone, "the lineal descendant of the most powerful Hindoo family in that part of Hindostan," of his patrimonial estate; and conferred the same, or part of the same, on his (the nabob's) mother, as a jaghire [or estate] for the term of her life: and the mother of the nabob, in order to quiet the country, and to satisfy, in some measure, the principal and other inhabitants, did allow and pay a certain pension to the said rajah; which pension, on the general confiscation of jaghires, (made at the instigation of the said Warren Hastings,) and by the letting the lands so confiscated to farmers at rack-rents, was discontinued, and refused to be paid; and the discontinuance of the said pension, "on account of the personal respect borne to the rajah (as connections with him are sought for, and thought to confer honor") did cause an universal discontent, and violent commotions, in the district of Sahlone, and other parts of the province of Oude, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

II. That Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the rajah and his adherents, and expelling him from the country, did represent the utter

impossibility of bringing it to a permanent settlement "merely by forcible methods; as in any of his (the rajah's) incursions, it would not be necessary to bring even a force with him, as the zemindars [landed proprietors and freeholders] are much attached to the rajah, whom they consider as their hereditary prince, and never fail to assist him; and that his rebellion against government is not looked on as a crime:" and Mr. Lumsdaine declared it "as his clear opinion, that the allowing the said rajah a pension, suitable to his rank and influence in the country, would be the most certain mode of obtaining a permanent peace;" alleging, among other cogent reasons, "that the expense of the force, necessary to be employed to subdue the country, might be spared and employed elsewhere; and that the people would return to their villages with their cattle and effects, and of course government have some security for the revenue, whereas at present they have none:" and the representation containing that prudent and temperate counsel, given by a military man of undoubted information, and perfect experience in the local circumstances of the country, was transmitted by the resident Bristow to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said rajah, in conformity to the general sense and wishes of the inhabitants; a compliance with whose so reasonable an expectation his duty in restoring the tranquillity of the country, and in retrieving the honor of the English government, did absolutely require. But, instead of making such provision, a price was set upon his head; and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed, and mutual waste of the country, the said rajah, honored and respected by the natives, was hunted down, and at length killed in a thicket.

VII. CONTRACTS.

THAT the court of directors of the East-India Company had laid down the following fundamental rules for the conduct of such of the company's business in Bengal as could be performed by contract; and had repeatedly and strictly ordered the governor and council of Fort William to observe those rules; viz. that all contracts should be publicly advertised, and the most reasonable proposals accepted; that the contracts of provisions, and for furnishing draught and carriage bullocks for the army should be *annual;* and that they should not fail to advertise for and receive proposals for those contracts *every year.*

That the said Warren Hastings, in direct disobedience to the said positive orders, and, as the directors themselves say, *by a most deliberate breach of his duty*, did, in September, 1777, accept of proposals offered by Ernest Alexander Johnson for providing draught and carriage bullocks, and for victualling the Europeans, without advertising for proposals, as he was expressly commanded to do, and extended the contract for *three years*, which was positively ordered to be *annual;* and, notwithstanding that extension of the period, which ought at least to have been compensated by some advantage to the company in the conditions, did conclude the said contract *upon terms less advantageous than the preceding contract, and therefore not on the lowest terms procurable:*—that the said Warren Hastings, in defiance of the judgment and lawful orders of his superiors, which in this case left him no option, declared that *he disapproved of publishing for proposals, and that the contract was reduced too low already:* thereby avowing himself the advocate of the con-

tractor, against whom, as representative of the company, and guardian of their interests, he properly was party, and preferring the advantage of the contractor to those of his own constituents and employers:—that the court of directors of the East-India Company, having carefully considered the circumstances and tendency of this transaction, condemned it in the strongest terms, declaring that they would *not permit* the contract to be continued, and that, "if the contractor should think himself aggrieved, and take measures in consequence, by which the company became involved in loss or damage, they should certainly hold the majority of the council responsible for such loss or damage, and proceed against them accordingly."—That the said Warren Hastings, in defiance of orders, which, the directors say, were *plain and unequivocal*, did, in January, 1777, receive from George Templer a proposal, essentially different from the advertisement published by the governor-general and council for receiving proposals for feeding the company's elephants, and did accept thereof, not only without having recourse to the proper means for ascertaining whether the said proposal was the lowest that would be offered, but with another actually before the board, nearly thirty per cent. lower than that made by the said George Templer, to whom the said Warren Hastings granted a contract, in the terms proposed by the said Templer, for three years, and did afterwards extend the same to five years, with new and distinct conditions accepted by the said Warren Hastings, without advertising for fresh proposals, by which the company were very considerable losers:—on all which the court of directors declared "that this waste of their property could not be permitted: that he, the said Warren Hastings, had disregarded their authority, and disobeyed their orders, in not taking the lowest offers;" and they ordered that the contract for elephants should be annulled; and the said directors further declared that, "if the contractor should recover damages of the company for breach of engagement, they were determined, in such case, to institute a suit at law

against those members of the board who had presumed, in direct breach of their orders, to prefer the interest of an individual to that of the company."—That the said Warren Hastings did, in the year 1777, conclude with ——— Forde a contract for an armed vessel for the pilotage of the Chittigong river, and for the defence of the coast and river against the incursions of robbers, for the term of five years, in further disobedience of the company's orders respecting the mode and duration of contracts, and with a considerable increase of expense to the company:—that the farming out the defence of a country to a contractor, being wholly unprecedented, and evidently absurd, could have no real object but to enrich the contractor at the company's expense; since either the service was not dangerous, and then the establishment was totally unnecessary, or, if it was a dangerous service, it was evidently the interest of the contractor to avoid such danger, and not to hazard the loss of his ship or men, which must be replaced at his own expense; and therefore that an active and faithful discharge of the contractor's duty was incompatible with his interest.

That the said Warren Hastings, in further defiance of the company's orders, and in breach of the established rule of their service, did, in the year 1777, conclude a contract with the master and deputy master-attendant of the company's marine or pilot-service for supplying the said marine with naval stores, and executing the said service for the term of two years, and without advertising for proposals; that the use and expenditure of such stores, and the direction of the pilot vessels, are under the management and at the disposition of the master-attendant by virtue of his office: that he is officially the proper and regular check upon the person who furnishes the stores, and bound by his duty to take care that all contracts for furnishing such stores are duly and faithfully executed: that the said Warren Hastings, by uniting the supply and the check in the same hands, did not only disobey the company's specific orders, and violate the fundamental

rules and practice of the service, but did overset the only just and rational principle, on which this, and every other service of a similar nature, ought to be conducted; and did not only subject the company's interest, in point of expense, to fraud and collusion, but did thereby expose the navigation of the Bengal river to manifest hazard and distress; considering that it is the duty of the master-attendant to take care that the pilot vessels are constantly stationed in the roads to wait the arrival of the company's ships, especially in tempestuous weather, and that they should be in a constant condition to keep the sea; whereas it is manifestly the interest of the contractor, in the first instance, to equip the said vessels as scantily as possible, and afterwards to expose them as little as possible to any service, in which the stores to be replaced by him might be lost or consumed; and finally, that, in June, 1779, the said contract was prolonged to the said master-attendant, by the said Warren Hastings, for the further period of two years from the expiration of the first, without advertising for proposals. That it does not appear that any of the preceding contracts have been annulled, or the charges attending any of them abated, or that the court of directors have ever taken any measures to compel the said Warren Hastings to indemnify the company, or to make good any part of the preceding loss incurred by the contracts.

That, in the year 1777, the said Warren Hastings did recommend and appoint John Belli, at that time his private secretary, to be agent for supplying the garrison of Fort William with victualling stores: that the stores were to be purchased with money advanced by the company; and that the said agent was to be allowed a commission, or per-centage, for his risk and trouble: that, in order to ascertain what sum would be a reasonable compensation for the agent, the governor-general and council agreed to consult some of the principal merchants of Calcutta: that the merchants, so consulted, reported their opinion that twenty per cent. on the prime cost of the stores would be a reasonable compensation

to the agent: that, nevertheless, the said Warren Hastings, supported by the vote and concurrence of Richard Barwell, then a member of the supreme council, did propose and carry it, that thirty per cent. per annum should be allowed upon all stores to be provided by the agent: that the said Warren Hastings professed that "he preferred an agency to a contract for this service; because, if it were performed by contract, it must then be advertised, and the world would know what provision was made for the defence of the fort;" as if its being publicly known that the fort was well provided for defence, were likely to encourage an enemy to attack it. That, in August, 1779, in defiance of the principle laid down by himself for preferring an agency to a contract, the said Warren Hastings did propose, and carry it, that the agency should be *converted into a contract*, to be granted to the said John Belli, without advertising for proposals, and fixed for the term of five years, "pretending that he had received frequent remonstrances from the said agent concerning the heavy losses and inconveniences to which he was *subjected* by the indefinite terms of his agency;" notwithstanding it appeared, by evidence produced at the board, that, on a supply of about £37,000, he had already drawn a commission of £22,000 and upwards. That the said Warren Hastings pledged himself, that, *if required by the court of directors, the profits arising from the agency should be paid into the company's treasury, and appropriated as the court should direct.* That the court of directors, as soon as they were advised of the first appointment of the said agency, declared that they considered the commission of twenty per cent. as an ample compensation to the agent; and did positively order that, according to the engagement of the said Warren Hastings, "the commission, paid or to be paid to the said agent, should be reduced to £20 per cent." That the said John Belli did positively refuse to refund any part of the profits he had received, or to submit to a diminution of those which he was still to receive; and that the said Warren

Hastings has never made good his own voluntary and solemn engagement to the court of directors herein above mentioned: and as his failure to perform the said engagement is a breach of faith to the company, so his performance of such engagement, if he had performed it, and even his offering to pledge himself for the agent, in the first instance, ought to be taken as presumptive evidence of a connection between the said Warren Hastings and the said agent, his private secretary; which ought not to exist between a governor, acting in behalf of the company, and a contractor making terms with such governor for the execution of a public service.

That, before the expiration of the contract herein before mentioned for supplying the army with draught and carriage bullocks, granted by the said Warren Hastings to Ernest Alexander Johnson for three years, the said Warren Hastings did propose and carry it in council, that a new contract should be made on a new plan, and that an offer thereof should be made to Richard Johnson, brother and executor of the said contractor, without advertising for proposals, for the term of *five years*: that this offer was *voluntarily accepted* by the said Richard Johnson, who, at the same time, desired and obtained that the new contracts should be made out in the name of Charles Croftes, the company's accountant and subtreasurer at Fort William: that the said Charles Croftes offered the said Richard Johnson as one of his securities for the performance of the said contract, who was accepted as such by the said Warren Hastings; and that, at the request of the said contractor, the contract for victualling the Europeans serving at the presidency was added to and united with that for furnishing bullocks, and fixed for the same period; that this extension of the period of the said contracts was not compensated by a diminution in the charge to be incurred by the company on that account, as it ought to have been; but, on the contrary, the charge was immoderately increased by the new contracts; insomuch that it was proved, by statements and computations produced at the board, that the in-

crease on the victualling contract would in five years amount to £40,000; and that the increase on the bullock contract, in the same period, would amount to above £400,000: that, when this and many other weighty objections against the terms of the said contracts were urged in council to the said Warren Hastings, he declared that *he should deliver a reply thereto;* but it does not appear that he did ever deliver such reply, or ever enter into a justification of any part of his conduct in this transaction. That the act of parliament of 1773, by which the first governor-general and council were appointed, did expressly limit the duration of their office to the term of five years, which expired in October, 1779, and that the several contracts, herein before mentioned, were granted in September, 1779, and were made to continue *five* years after the expiration of the government by which they were granted; that, by this anticipation, the discretion and judgment of the succeeding government, respecting the subject-matter of such contracts, was taken away, and any correction or improvement therein rendered impracticable. That the said Warren Hastings might have been justified by the rules and practice, or by the necessity of the public service, in binding the government by engagements to endure one year after the expiration of his own office; but on no principles could he be justified in extending such engagements beyond the term of one year, much less on the principles he has avowed, namely, "that it was only an act of common justice in him to secure *every man connected with him*, as far as he legally could, from the apprehension of future oppression." That the oppression, to which such apprehension, if real, must allude, could only consist in and arise out of the obedience, which he feared a future government might pay to the orders of the court of directors, by making all contracts annual, and advertising for proposals publicly and indifferently from all persons whatever, by which it might happen that such beneficial contracts would not be constantly held by men *connected with him*, the said Warren Hastings: that this declaration, made

by the said Warren Hastings, combined with all the circumstances of these transactions, leaves no room to doubt that, in disobeying the company's orders, and betraying the trust reposed in him as guardian of the company's property, his object was to purchase the attachment of a number of individuals, and to form a party capable of supporting and protecting him in return.

That, with the same view, and on the same principles, it appears that excessive salaries and emoluments, at the East-India Company's charge and expense, have been lavished by the said Warren Hastings to sundry individuals, contrary to the general principles of his duty, and in direct contradiction to the positive orders of the court of directors; particularly, that, whereas, by a resolution of the court of proprietors of the East-India Company, and by an instruction of the court of directors, it was provided, and expressly ordered, that there should be paid to the late Sir John Clavering "the sum of £6,000 sterling per annum, in full for his services as commander-in-chief, in lieu of travelling charges, and of all other advantages and emoluments whatever:" and whereas the court of directors positively ordered that the late "Sir Eyre Coote should receive the *same* pay, as commander-in-chief of their forces in India, as was received by Lieutenant General Sir John Clavering;"—the said Warren Hastings, nevertheless, within a very short time after Sir Eyre Coote's arrival in Bengal, did propose and carry it in council, that a new establishment should be created for Sir Eyre Coote, by which an increase of expense would be incurred by the India Company to the amount of £18,000 a year, and upwards, exclusive of, and in addition to, his salary of £10,000 a year, provided for him by act of parliament as a member of the supreme council, and exclusive of, and in addition to, his salary of £6,000 a year as commander-in-chief, appointed for him by the company, and expressly fixed to that amount.

That the disobedience and breach of trust, of which the said Warren Hastings was guilty in this transaction, is hghly

aggravated by the following circumstances connected with it: that, from the death of Sir John Clavering to the arrival of Sir Eyre Coote in Bengal, the provisional command of the army had devolved to, and been vested in, Brigadier General Giles Stibbert, the eldest officer on that establishment: that, in this capacity, and, as the said Warren Hastings has declared, "standing no way distinguished from the other officers in the army, but by his accidental succession to the first place on the list," he, the said Giles Stibbert, had, by the recommendation and procurement of the said Warren Hastings, received and enjoyed a salary, and other allowances, to the amount of £13,854 12*s.* per annum.—That Sir Eyre Coote, soon after his arrival, represented to the board that a considerable part of those allowances, amounting to £8,220 10*s.* per annum, ought to devolve to himself, as commander-in-chief of the company's forces in India; and stating that the said Giles Stibbert could no longer be considered as commander-in-chief under the presidency of Fort William, made a formal demand of the same.—That the said Warren Hastings, instead of reducing the allowances of the said Giles Stibbert to the establishment at which they stood during General Clavering's command, and for the continuance of which, after Sir Eyre Coote's arrival, there could be no pretence, continued the allowances of £13,854 12*s.* per annum to the said Giles Stibbert; and, at the same time, in order to appease and satisfy the demands of the said Sir Eyre Coote, did create for him that new establishment, herein before specified, of £18,000 per annum; insomuch, that, instead of the allowance of £6,000 *a year, in lieu of travelling charges and of all emoluments and allowances whatsoever*, to which the pay and allowances of commander-in-chief were expressly limited by the united act of the legislative and executive powers of the company, the annual charge to be borne by the company on that account was increased by the said Warren Hastings to the enormous sum of £38,217 10*s.* sterling.

"That, on the 1st of November, 1779, the said Warren Hastings did move and carry it in council, that the resident at the vizier's court should be furnished with an account of all the extra allowances and charges of the commander-in-chief when in the field, with orders to add the same to the debit of the vizier's account, as a part of his general subsidy; the charge to commence from the day on which the general shall pass the Carumnassa, and to continue till his return to the same line." That this additional expense, imposed by the said Warren Hastings on the vizier, was unjust in itself, and a breach of treaty with that prince, the specific amount of the subsidy to be paid by him having been fixed by a treaty, to which no addition could justly be made, but at the previous requisition of the vizier. That the court of directors, in their letter of the 18th of October, 1780, did condemn and prohibit the continuation of the allowances abovementioned to Sir Eyre Coote in the following words: "These allowances appear to us in a light so very extraordinary, and so repugnant to the spirit of a resolution of the general court of proprietors respecting the allowance made to General Clavering, that we positively direct that they be discontinued immediately, and no part thereof paid after the receipt of this letter." That, on the 27th of April, 1781, the governor-general and council, in obedience to the orders of the directors, did signify the same to the commissary-general, as an instruction to him, that the extraordinary allowances to Sir Eyre Coote *should be discontinued, and no part thereof paid after that day;* that it appears, nevertheless, that the said extra allowances (amounting to above £20,000 sterling a year) were continued to be charged to the vizier, and paid to Sir Eyre Coote, in defiance of the orders of the court of directors; in defiance of the consequent resolution of the governor-general and council; and in contradiction to the terms of the original motion, made by the said Warren Hastings, for adding those allowances to the debit of the vizier; viz. "that they should continue till Sir Eyre Coote's return

to the Carumnassa." That Sir Eyre Coote arrived at Calcutta about the end of August, 1780, and must have crossed the Carumnassa, in his return from Oude, some weeks before, when the charge on the vizier, if at any time proper, ought to have ceased. That it appears that the said allowances were continued to be charged against the vizier, and paid to Sir Eyre Coote, for three years after, even while he was serving in the Carnatick, and that this was done by the sole authority and private command of the said Warren Hastings.

That the East-India Company having thought proper to create the office of advocate-general in Bengal, and to appoint Sir John Day to that office, it was resolved, by a general court of proprietors, that a salary of £3,000 a year should be allowed to the said Sir John Day, *in full consideration of all demands and allowances whatsoever for his services to the company at the presidency of Fort William:* that the said Warren Hastings, nevertheless, shortly after Sir John Day's arrival in Bengal, did increase the said Sir John Day's salary and allowances to £6,000 a year, in direct disobedience to the resolution of the court of proprietors, and of the order of the court of directors: that the directors, as soon as they were informed of this proceeding, declared "that they held *themselves* bound by the resolution of the general court, and that they could not allow it to be disregarded by the company's servants in India;" and ordered that the increased allowances should be forthwith discontinued.

That the said Warren Hastings, after having first thought it necessary, in obedience to the orders of the court of directors, to stop the extraordinary allowance which he had granted to Sir John Day, did afterwards resolve that the allowance, which had been struck off, should be *repaid* to him, upon his signing an obligation to refund the amount which he might receive, in case the directors should confirm their former orders, already twice given: that, in this transaction, the said Warren Hastings trifled with the authority of the company, eluded the repeated orders of the directors, and

exposed the company to the risk and uncertainty of recovering, at a distant period, and perhaps by a process of law, a sum of money, which they had positively ordered him not to pay.

That, in the latter part of 1776, by the death of Colonel Monson, the whole power of the government of Fort William devolved to the governor and one member of the council; and that, from that time, the governor-general and council have generally consisted of an even number of persons, in consequence of which the casting voice of the said Warren Hastings has usually prevailed in the decision of all questions. That, about the end of the year 1776, the whole civil establishment of the said government did not exceed £205,399 per annum; that, in the year 1783, the said civil establishment had been increased to the enormous annual sum of £927,945. That such increase in the civil establishment could not have taken place, if the said Warren Hastings, who was at the head of the government, with the power annexed to the casting voice, had not actively promoted the said increase, which he had power to prevent, and which it was his duty to have prevented; that, by such immoderate waste of the property of his employers, and by such scandalous breach of his fidelity to them, it was the intention of the said Warren Hastings to gain and secure the attachment and support of a multitude of individuals, by whose united interest, influence, and intrigues, he hoped to be protected against any future inquiry into his conduct: that it was of itself highly criminal in the said Warren Hastings to have so wasted the property of the East-India Company, and that the purpose to be obtained by such waste was a great aggravation of that crime. That, among the various instances of profusion, by which the civil establishment of Fort William was increased to the enormous annual sum herein before mentioned, it appears that a salt office was created of six commissioners, whose annual emoluments were as follows: viz.

President, or comptroller, per annum	£18,480
1st member, ...	13,100
2d do.	11,480
3d do.	13,183
4th do.	6,257
5th do.	10,307
	£72,807

That a board of revenue was created by the said Warren Hastings, consisting of five commissioners, whose annual emoluments were as follows: viz.

1st member, per annum . .	£10,950
2d do.	9,100
3d do.	9,100
4th do.	9,100
5th do.	9,100
	£47,350

That David Anderson, Esq., first member of the said board, did not execute the duties, though he received the emoluments, of the said office; having acted, for the greatest part of the time, as ambassador to Madajee Scindia, with a further salary of £4,280 a year; making, in all, £15,236 a year.

That the said Warren Hastings did create an office of agent victualler to the garrison of Fort William, whose profits, on an average of three years, were £15,970 per annum: that this agency was held by the postmaster-general, who, in that capacity, received £2,200 a year from the company, and who was actually no higher than a writer in the service; that the person who held these lucrative offices, viz. John Belli, was private secretary to the said Warren Hastings.

That the said Warren Hastings created a nominal office

of resident at Goa, where the company never had a resident, nor business of any kind to transact, and gave the said nominal office to a person, who was not a covenanted servant of the company, with an allowance of £4,280 a year.

That these instances are proofs of a criminal profusion and high breach of trust to the India Company in the said Warren Hastings, under whose government, and by means of whose special power, derived from the effect of his casting voice, all the said waste and profusion did take place.

That at the end of the year 1780, when, as the court of directors affirm, *the company were in the utmost distress for money, and almost every department in arrear*, and when it appears that there was a great scarcity and urgent want of grain at Fort St. George, the said Warren Hastings did accept of a proposal made to him by James Peter Auriol, then secretary to the council, to supply the presidency of Fort St. George with rice and other articles, and did appoint the said Auriol to be the agent for supplying *all the other* presidencies with those articles: that the said Warren Hastings declared that the intention of the appointment "was most likely to be fulfilled by a liberal consideration of it," and therefore allowed the said Auriol a commission of fifteen per cent. on the whole of his disbursements; thereby rendering it the direct interest of the said Auriol to make his disbursements as great as possible: that the chance of capture by the enemy, or danger of the sea, was to be at the risk of the India Company, and not of the said Auriol: that the said Warren Hastings declared personally to the said Auriol, "that this post was intended as a reward for his long and faithful services." That the president and council of Bombay did remonstrate against what they called *the enormous amount of the charges* of the rice with which they were supplied, which they state to be nine rupees a bag at Calcutta, when they themselves could have contracted for its delivery at Bombay, free of all risk and charges, at five rupees and three-sixteenths per bag; and that, even at Madras,

where the distress and demand was greatest, the supplies of grain by private traders, charged to the company, were nineteen per cent. cheaper than that supplied by the said Auriol, exclusive of the risk of the sea, and of capture by the enemy. That it is stated, by the court of directors, that the agent's commission on a supply of *a single year* (the said commission being not only charged on the prime cost of the rice, but also on the freight, and on all other charges) would amount to £26,873 sterling, and by the said Auriol himself is admitted to amount to £18,292: that William Larkins, the accomptant-general at Fort William, having been ordered to examine the accounts of the said agent, did report to the governor-general and council, that he found them to be *correct in the additions and calculations;* and that then the said Larkins adds the following declaration: "the agent *being upon honor* with respect to the sums charged in his accounts for the cost of the articles supplied, I did not think myself authorized to require *any voucher* of the sums charged for the demurrage of sloops, either as to the time of detention, or the rate of the charge, or of those for the articles lost in going down the river; and on that ground I thought myself equally bound to admit the sums acknowledged as received for the sales of goods returned, without requiring vouchers of the rates at which they were sold." That, in this transaction, the said Warren Hastings has been guilty of a high breach of trust and duty in the unnecessary expenditure of the company's money, and in subjecting the company to a profusion of expense, at all times wholly unjustifiable, but particularly at the time when that expense was incurred. That the said Warren Hastings was guilty of breach of orders, as well as breach of trust, in not advertising generally for proposals; in not *contracting* indifferently for the supplies with such merchants as might offer to furnish them on the lowest terms; in giving an enormous commission to an agent, and that commission not confined to the prime cost of the articles, but to be computed on the whole

of his charges; in accepting of the *honor* of the said agent as a sufficient voucher for the cost of the articles supplied, and for all charges whatever, on which his commission was to be computed; and finally, in giving a lucrative agency for the supply of a distressed and starving province, as a reward to a secretary of state, whose labors in that capacity ought to have been rewarded by an avowed public salary, and not otherwise. That, after the first year of the said agency was expired, the said Warren Hastings did agree, that for the future the commission to be drawn by the said agent should be reduced to five per cent., which the governor-general and council then declared to be *the customary amount drawn by merchants;* but that, even in this reduction of the commission, the said Warren Hastings was guilty of a deception, and did not in fact reduce the commission from fifteen to five per cent., having immediately after resolved, that he, the agent, should be allowed the current interest of Calcutta upon all his draughts on the treasury from the day of their dates until they should be completely liquidated; that the legal interest of money in Bengal is twelve per cent. per annum, and the current interest from eight to ten per cent.

VIII. PRESENTS.

That, before the appointment of the governor-general and council of Fort William by act of parliament, the allowances made by the East-India Company to the presidents of that government were abundantly sufficient; and that the said presidents in general, and the said Warren Hastings particularly, was restrained by a specific covenant and indenture, which he entered into with the company, from accepting any gifts, rewards, or gratuities whatsoever, on any account or pretence whatsoever. That, in the regulating act passed in the year 1773, which appointed the said Warren Hastings, Esq., governor-general of Fort William in Bengal, a salary of £25,000 a year was established for him, to which the court of directors added, "that he should enjoy their principal houses, with the plate and furniture, both in town and country, *rent free.*" That the same law which created the office and provided the salary of the said Warren Hastings, did expressly, and in the clearest and most comprehensive terms that could be devised, prohibit him from receiving any present, gift, or donation, in any manner, or on any account whatsoever; and that the said Warren Hastings perfectly understood the meaning, and acknowledged the binding force of this prohibition, before he accepted of the office to which it was annexed. He knew, and had declared, that *the prohibition was positive and decisive; that it admitted neither of refinement nor misconstruction; and that, in his opinion, an opposition would be to incur the penalty.*

That notwithstanding the covenants and engagements above mentioned, it appears in the recorded proceedings of the governor-general and council of Fort William, that sundry charges have been brought against the said Warren

Hastings for gifts or presents corruptly taken by him before the promulgation of the act of 1773, in India, and that these charges were produced at the council board in the presence of the said Warren Hastings: that, in March, 1775, the late Rajah Nundcomar, a native Hindoo, of the highest cast in his religion, and of the highest rank in society by the offices which he had held under the country government, did lay before the council an account of various sums of money paid by him to the said Warren Hastings, amounting to £40,000 and upwards, for offices and employments corruptly disposed of by the said Warren Hastings, and did offer and engage to prove and establish the same by sufficient evidence. That this account is stated with a minute particularity and precision; the date of each payment, down to that of small sums, is specified; the various coins, in which such payments were severally made, are distinguished: and the different persons, through whose hands the money passed into those of the said Warren Hastings, are named; that such particularity on the face of such a charge, supposing it false, is favorable to the party wrongfully accused, and exposes the accuser to an instant and easy detection; for though, as the said Warren Hastings himself has observed on another occasion, "papers may be forged, and evidences may appear in numbers to attest them, yet it must always be an easy matter to detect the falsity of any forged paper produced by examining the witnesses separately, and subjecting them to a subsequent cross-examination, in which case, if false, they will not be able to persevere in one regular consistent story."

Whereas, if no advantage be taken of such particularity in the charge to detect the falsehood thereof, and if no attempt to disprove it, and no defence whatever be made, a presumption justly and reasonably arises in favor of the truth of such charge. That the said Warren Hastings, instead of offering any thing in his defence, declared, that *he would not suffer Nundcomar to appear before the board as*

his accuser. That he attempted to indict his said accuser for a conspiracy, in which he failed; and that the said Rajah Nundcomar was soon after, and while his charge against the said Warren Hastings was depending before the council, indicted upon an English penal statute, which does not extend even to Scotland, before the supreme court of judicature, for an offence said to have been committed several years before, and not capital by the laws of India, and was condemned and executed. That the evidence of this man, not having been encountered at the time, when it might and ought to have been, by the said Warren Hastings, remains justly in force against him, and is not abated by the capital punishment of the said Nundcomar, but rather confirmed by the time and circumstances in which the accuser of the said Warren Hastings suffered death. That one of the offices, for which a part of the money above mentioned is stated to have been paid to the said Warren Hastings, was given by him to Munny Begum, the widow of the late Myr Jaffier, nabob of Bengal, whose son, by another woman, holds that title at present. That the said Warren Hastings had been instructed by the court of directors of the East-India Company to appoint "a minister to transact the political affairs of the government, and to select for that purpose some person well qualified for the affairs of government, to be the minister and guardian of the nabob's minority." That, for these offices, and for the execution of the several duties belonging to them, the said Warren Hastings selected and appointed the said Munny Begum, a woman evidently unqualified for, and incapable of, such offices, and restrained from acting in such capacities by her necessary seclusion from the world, and retirement in the seraglio. That a considerable deficiency or embezzlement appearing in this woman's account of the young nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given £15,000 to the said Warren Hastings for an entertainment; which declaration corresponds with, and confirms that part of the charge

produced by Rajah Nundcomar, to which it relates. That neither this, nor any other part of the said charge, has been at any time directly denied or disputed by the said Warren Hastings, though made to his face, and though he was repeatedly accused by his colleagues, who were appointed by parliament at the same time with himself, of peculation of every sort. That instead of promoting a strict inquiry into his conduct for the clearance of his innocence and honor, he did repeatedly endeavor to elude and stifle all inquiry, by attempting to dissolve the meetings of the council, at which such charges were produced, and by other means; and has not since taken any steps to disprove or refute the same. That the said Warren Hastings, so long ago as September, 1775, assured the court of directors, "that it was his fixed determination most fully and liberally to explain every circumstance of his conduct on the points on which he had been injuriously arraigned, and to afford them the clearest conviction of his own integrity, and of the propriety of his motives for declining a present defence of it;" and having never since given to the court of directors any explanation whatever, much less the full and liberal explanation he had promised so repeatedly, has thereby abandoned even that late and protracted defence, which he himself must have thought necessary to be made at some time or other; and which he would be thought to have deferred to a period more suitable and convenient than that in which the facts were recent, and the impression of these and other charges of the same nature against him was fresh and unimpaired in the minds of men.

That on the 30th of March, 1775, a member of the council produced and laid before the board a petition from Mir Zein Abul Dheen, (formerly farmer of a district, and who had been in credible stations,) setting forth that Khân Jehan Khân, then phousdar of Houghly, had obtained that office from the said Warren Hastings, with a salary of 72,000 sicca rupees a year; and that the said phousdar had

given a receipt of bribe to the patron of the city, meaning Warren Hastings, to pay him annually 36,000 rupees a year, and also to his banyan, Cantoo Baboo, 4,000 rupees a year, out of the salary above mentioned. That by the 35th article of the instructions given to the governor-general and council, they are directed "immediately to cause the strictest inquiry to be made into all oppressions which might have been committed either against the natives or Europeans, and into all abuses that might have prevailed in the collection of the revenues, or any part of the civil government of the presidency, and to communicate to the directors all information which they might be able to obtain relative thereto, or to any dissipation or embezzlement of the company's money." That the above petition and instruction having been read in council, it was moved that the petitioner should be ordered to attend the next day to make good his charge. That the said Warren Hastings declared, "that it appeared to him to be the purpose of the majority to make him the sole object of their personal attacks. That they had taken their line, and might pursue it. That he should have other remarks to make upon this transaction, but as they would be equally applicable *to many others*, which in the course of this business were likely to be brought before the board, he should say no more on the subject;" and he objected to the motion. That by the preceding declaration the said Warren Hastings did admit, that many other charges were likely to be brought against him, and that such charges would be of a similar nature to the first, viz. a corrupt bargaining for the disposal of a great office, since he declared that his remarks on that transaction would be equally applicable to the rest; and that, by objecting to the motion for the personal attendance of the accuser, he resisted and disobeyed the company's instructions; and did, as far as depended on his power, endeavor to obstruct and prevent all inquiry into the charge. That in so doing he failed in his duty to the company; he disobeyed their express orders, and did leave the charge

against himself without a reply, and even without a denial; and with that unavoidable presumption against his innocence, which lies against every person accused, who not only refuses to plead, but, as far as his vote goes, endeavors to prevent an examination of the charge, and to stifle all inquiry into the truth of it. That the motion having been nevertheless carried, the said Warren Hastings did, on the day following, declare, "that he could not sit to be confronted with such accusers, nor suffer a judicial inquiry into his conduct at the board, of which he was president; and declared the meeting of the board dissolved." That the board continued to sit and examine witnesses, servants of the phousdar, on oath and written evidence, being letters under the hand and seal of the phousdar, all directly tending to prove the charge; viz. that out of the salary of 72,000 rupees a year paid by the company, the said phousdar received but 32,000, and that the remainder was received by the said Warren Hastings and his banyan. That the phousdar, though repeatedly ordered to attend the board, did, under various pretences, decline attending, until the 19th of May, when the letters stated to be his, that is, under his hand and seal, being shown to him, it was proposed by a member of the board, that he should be asked, whether he had any objection to swear to the truth of such answers as he might make to the questions proposed by the board. That the said Warren Hastings objected to his being put to his oath. That the question was nevertheless put to him in consequence of a resolution of the board. That he first declined to swear, under pretence *that it was a matter of serious consequence to his character to take an oath;* and, when it was finally left to his option, he declared, "mean people might swear, but that his character would not allow him; that he could not swear, and had rather subject himself to a loss." That the evidence in support of the charge being on oath was in this manner left uncontradicted; that it was admitted by the said Warren Hastings, that neither Mussulmen nor Hindoos are

forbidden by the precepts of their religion to swear. That, it is not true, as the said Warren Hastings asserted, that it was repugnant to the *manners* either of Hindoos or Mussulmen; and that if, under such pretences, the natives were to be exempted from taking an oath, when examined by the governor and council, all the inquiries pointed out to them by the company's instructions might stop, or be defeated. That no valid reason was, or could be, assigned, why the said phousdar should not be examined on oath; that the charge was not against himself: and that, if any questions had been put to him tending to make him accuse himself, he might have declined to answer them. That, if he could have safely sworn to the innocence of the said Warren Hastings, from whom he received his employment, he was bound in gratitude, as well as justice, to the said Warren Hastings, to have consented to be examined on oath. That, not having done so, and having been supported and abetted in his refusal by the said Warren Hastings himself, whose character and honor were immediately at stake, the whole of the evidence for the truth of the charge remains unanswered, and in full force against the said Warren Hastings, who on this occasion recurred to the declaration he had before made to the directors, viz. "that he would most fully and liberally explain every circumstance of his conduct," but has never since that time given the directors any explanation whatsoever of his said conduct. And finally, that when the court of directors, in January, 1776, referred the question (concerning the legality of the power assumed, and repeatedly exercised by the said Warren Hastings, of dissolving the council at his pleasure) to the late Charles Sayer, then standing counsel of the East-India Company, the said Charles Sayer declared his opinion in favor of the power; but, concerning the use and exercise of it in the cases stated, did declare his opinion in the following words: "I believe he, Warren Hastings, is the first governor that ever dissolved a council inquiring into his behavior, when he was innocent." Before he

could summon three councils, and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince every body beyond a doubt of his conscious guilt.*

That, by a resolution of a majority of the council, constituting a lawful act of the governor-general and council, the said Khân Jehan Khân was dismissed from the office of phousdar of Houghly for a contempt of the authority of the board. That, within a few weeks after the death of the late Colonel Monson, the number of the council being then even, and all questions being then determined by the governor-general's casting voice, the said Warren Hastings did move, and carry it in council, that the said Khân Jehan Khân should be restored to his office; and that restoration not having been preceded, accompanied, or followed, by any explanation or defence whatsoever, or even by a denial of the specific and circumstantial charge of collusion with the said Khân Jehan Khân, has confirmed the truth of the said charge.

That, besides the sums charged to have been paid to the said Warren Hastings by the said Nundcomar, and Munny Begum, and Khân Jehan Khân, and besides the sum of £110,000, already mentioned to have been accepted without hesitation by him as a present on the part of the nabob of Oude and that of his ministers, the circumstances of which have been particularly reported to the house of commons, it appears by the confession of the said Warren Hastings, that he has, at different times since the promulgation of the act of 1773, received various other sums, contrary to the express prohibition of the said act, and his own declared sense of the evident intent and obligation thereof. That in the month of June, 1780, the said Warren Hastings made to the council, what he called, "a very unusual tender, by offering to exonerate the company from the expense of a particular measure, and to *take it upon himself;* declaring, that he had already deposited two lacks of rupees (£23,000)

in the hands of the company's sub-treasurer for that service." That in a subsequent letter, dated the 29th of November, 1780, he informed the court of directors, that "this money, by whatever means it came into their possesion, *was not his own;*" but he did not then, nor has he at any time since, made known to the court of directors from whom, or on what account he received that money, as it was his duty to have done in the first instance; and, notwithstanding the said directors signified to him their expectation that he should communicate to them "immediate information of the channel by which this money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event:" but, from evidence examined in England, it has been discovered that this money was received by the said Warren Hastings from Cheyt Sing, the rajah of Benares, who was soon after dispossessed of all his property, and driven from his country and government by the said Warren Hastings.

That notwithstanding the declaration made by the said Warren Hastings, that he had actually deposited the sum above mentioned in the hands of the company's sub-treasurer for their service, it does not appear, that "any entry whatsoever of that, or any other payment by the governor-general, was made in the treasury accounts, at or about the time;" nor is there any trace, in the company's books, of its being actually paid into their treasury.

It appears, then, by the confession of the said Warren Hastings, that this money was received by him; but it does not appear that he has converted it to the property and use of the company.

That in a letter from the said Warren Hastings to the said court of directors, dated the 22d of May, 1782, but not despatched, as it might and ought to have been at that time, but detained and kept back by the said Warren Hastings till the 16th of December following, he has confessed the receipt of various other sums, amounting (with that which he ac-

cepted from the nabob of Oude) to nearly £200,000, which sums he affirmed had been converted to the company's property through his means, but without discovering from whom, or on what account, he received the same. That, instead of converting this money to the company's property, as he affirmed he had done, it appears that he had lent the greater part of it to the company upon bonds bearing interest, which bonds were demanded and received by him, and, for aught that yet appears, have never been given up or cancelled. That for another considerable part of the above mentioned sum he has taken credit to himself, as for a deposit of his own property, and therefore demandable by him out of the company's treasury at his discretion. That all sums so lent or deposited are not alienated from the person who lends or deposits the same; consequently, that the declaration made by the said Warren Hastings, that he had converted the whole of these sums to the company's property, was not true; nor would such a transfer, if it had really been made, have justified the said Warren Hastings in originally receiving the money; which, being in the first instance contrary to law, could not be rendered legal by any subsequent disposition or application thereof; much less would it have justified the said Warren Hastings in delaying to make a discovery of these transactions to the court of directors, until he had heard of the inquiries then begun, and proceeding in parliament; in finally making a discovery, such as it is, in terms the most intricate, obscure, and contradictory. That instead of that full and clear explanation of his conduct, which the court of directors demanded, and which the said Warren Hastings was bound to give them, he has contented himself with telling the said directors, that "if this matter was to be exposed to the view of the public, his reasons for acting as he had done might furnish a variety of conjectures, to which it would be of little use to reply. That he either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied

design, which his memory could at that distance of time verify; and that he *could* have concealed them from their eye and that of the public for ever." That the discovery, as far as it goes, establishes the guilt of the said Warren Hastings in taking money against law, but does not warrant a conclusion that he has discovered *all* that he may have taken. That, on the contrary, such discovery not being made in proper time, and when made being imperfect, perplexed, and wholly unsatisfactory, leads to a just and reasonable presumption, that other facts of the same nature have been concealed, since those, which he has confessed, might have been for ever; and that this partial confession was either extorted from the said Warren Hastings by the dread of detection, or made with a view of removing suspicion, and preventing any further inquiry into his conduct.

That the said Warren Hastings, in a letter to the court of directors, dated 21st of February, 1784, has confessed his having *privately received* another sum of money, the amount of which he has not declared, but which, from the application he says he has made of it, could not be less than £34,000 sterling. That he has not informed the directors from whom he received this money, at what time, nor on what account: but on the contrary, has attempted to justify the receipt of it, which was illegal, by the application of it, which was unauthorized and unwarrantable, and which, if admitted as a reason for receiving money *privately*, would constitute a precedent of the most dangerous nature to the company's service. That in attempting to justify the receipt and application of the said money, he has endeavored to establish principles of conduct in a governor, which tend to subvert all order and regularity in the conduct of public business; to encourage and facilitate fraud and corruption in all offices of pecuniary trust, and to defeat all inquiry into the misconduct of any person, in whom pecuniary trust is reposed. That the said Warren Hastings, in his letter above mentioned, has made a declaration to the court of directors

in the following terms: "Having had occasion to disburse from my own cash many sums, which, though required to enable me to execute the duties of my station, I have hitherto omitted to enter in my public accounts, and my own fortune being unequal to so heavy a charge, I have resolved to reimburse myself in a mode the most suitable to the situation of your affairs, by charging the same in my durbar accounts of the present year, and crediting them by a sum *privately received*, and appropriated to your service in the same manner with other sums received on account of the honorable company, and already carried to their account. That at the time of writing this letter, the said Warren Hastings had been in possession of the government of Fort William about twelve years, with a clear salary, or avowed emoluments, at no time less than £25,000 sterling a year, exclusive of which all the principal expenses of his residence were paid for by the company. That if the services mentioned by him were required to enable him to execute the duties of his station, he ought not to have omitted to enter them in his public accounts at the times when the expenses were incurred. That if it was true, as he affirms, that when he first engaged in these expenses he had no intention to carry them to the account of the company, there was no subsequent change in his situation, which could justify his departing from that intention. That if his own fortune in the year 1784 was unequal to so heavy a charge, the state of his fortune at any earlier period must have been still more unequal to so heavy a charge. That the fact so asserted by the said Warren Hastings leads directly to an inference palpably false and absurd, viz. that the longer a governor-general holds that lucrative office, the poorer he must become. That neither would the assertion, if it were true, nor the inference, if it were admitted, justify the conduct avowed by the said Warren Hastings, in resolving to reimburse himself out of the company's property without their consent or knowledge. That the account transmitted in this letter is styled by him-

self *an aggregate of a contingent account of twelve years.* That all contingent accounts should be submitted to those who ought to have an official control over them, at annual or other shorter periods, in order that the expense already incurred may be checked and examined, and similar expenses, if disapproved of, may be prohibited in time; that, after a very long period is elapsed, all check and control over such expenses is impracticable; and, if it were practicable in the present instance, would be completely useless, since the said Warren Hastings, without waiting for the consent of the directors, did *resolve to reimburse himself.* That the conduct of the said Warren Hastings in withholding these accounts for twelve years together, and then resolving to reimburse himself without the consent of his employers, has been fraudulent in the first instance, and in the second amounts to a denial and mockery of the authority placed over him by law; and that he has thereby set a dangerous example to his successors, and to every man in trust or office under him. That the mode, in which he has reimbursed himself, is a crime of a much higher order, and greatly aggravates whatever was already criminal in the other parts of this transaction. That the said Warren Hastings, in declaring that he should reimburse himself by crediting the company by *a sum privately received*, has acknowledged himself guilty of an illegal act in receiving money *privately.* That he has suppressed or withheld every particular, which could throw any light on a conduct so suspicious in a governor, as the *private* receipt of money. That the general confession of the private receipt of a large sum in gross, in which no circumstance of time, place, occasion, or person, nor even the amount, is specified, tends to cover or protect any act of the same nature (as far as a general confession can protect such acts) which may be detected hereafter, and which in fact may not make part of the gross sum so confessed, and that it tends to perplex and defeat all inquiry into such practices. That the said Warren Hastings, in stating to the directors that he has resolved to

reimburse himself in *a mode the most suitable to the situation of their affairs*, viz. by receiving money privately against law, has stated a presumption highly injurious to the integrity of the said directors; viz. that they will not object to, or even inquire into any extraordinary expenses, incurred and charged by their governors in India, provided such expenses are reimbursed by money privately and illegally received. That he has not explained what that situation of their affairs was, or could be, to which so dangerous and corrupt a principle was or might be applied. That no evidence has been produced to prove that it was true, nor any ground of argument stated to show that it might be credible, that any native of India had voluntarily and gratuitously given money privately to the said Warren Hastings, that is, without some prospect of a benefit in return, or some dread of his resentment, if he refused. That it is not a thing to be believed, that any native would give large sums privately to a governor, which he refused to give or lend publicly to government, unless it were to derive some adequate secret advantage from the favor, or to avoid some mischief from the enmity, of such governor. That the late confessions made by the said Warren Hastings of money received against law are no proof that he did not originally intend to appropriate the same to his own use, such confessions having been made at a suspicious moment, when, and not before, he was apprized of the inquiries commenced in the house of commons, and when a dread of the consequence of those inquiries might act upon his mind; that such confessions, from the obscure, intricate, and contradictory manner in which they are made, imply guilt in the said Warren Hastings, as far as they go; that they do not furnish any color of reason to conclude that he has confessed all the money which he may have corruptly received; but that, on the contrary, they warrant a just and reasonable presumption, that in discovering some part of the bribes he had received, he hoped to lull suspicion, and thereby conceal and secure the rest.

That the court of directors, when the former accounts of these transactions came before them, did show an evident disposition not to censure the said Warren Hastings, but to give the most favorable construction to his conduct; that nevertheless they found themselves obliged "to confess that the statement of those transactions appeared to them in many parts *so unintelligible* that they felt themselves under the necessity of calling on the governor-general for an explanation, agreeably to his promise voluntarily made to them."

That their letter, containing this requisition, was received in Bengal in the month of August, 1784, and that the said Warren Hastings did not embark for England until the 2d of February, 1785, but made no reply to that letter before his departure, owing, as he has since said, *to a variety of other more important occupations.* That, under pretence of such occupations, he neglected to transmit to the court of directors a copy of a paper, which, he says, contained the *only* account he ever kept of the transaction. That such a paper, or a copy of it, might have been transmitted without interrupting other important occupations, if any could be more important than that *of* giving a clear and satisfactory answer to the requisition of the directors. That, since his arrival in England, he has written a letter to the chairman of that court, professedly in answer to their letter above mentioned, but in fact giving no explanation or satisfaction whatsoever on the points which they had declared to be unintelligible. That the terms of his letter are ambiguous and obscure, such as a guilty man might have recourse to, in order to cover his guilt, but such as no innocent man, from whom nothing was required but to clear his innocence by giving plain answers to plain questions, could possibly have made use of. That, in his letter of the 11th of July, 1785, he says, "that he has been kindly apprized that the information required as above *was yet expected from him:* that the submission, which his respect would have enjoined him to pay to the command

imposed on him, *was lost to his recollection*, perhaps from the stronger impression, which the first and distant perusal of it had left on his mind, that it was rather intended as a reprehension for something which had given offence in his report of the original transaction, than as expressive of any want of a further elucidation of it."

That the said Warren Hastings, in affecting to doubt whether the information expressly required of him by his employers was expected or not, has endeavored to justify a criminal delay and evasion in giving it. That, considering the importance of the subject, and the recent date of the command, it is not possible *that it could be lost to his recollection;* much less is it possible that he could have understood the specific demand of an answer to specific questions to be intended only as a reprehension for a former offence; viz. the offence of withholding from the directors that very explanation which he ought to have given in the first instance. That the said Warren Hastings, in his answer to the said questions, cautiously avoids affirming or denying any thing in clear positive terms, and professes to recollect nothing with absolute certainty. That he has not, even now, informed the directors of the name of any one person, from whom any part of the money in question was received, nor what was the motive of any one person for giving the same. That he has, indeed, declared that his motive for lending to the company, or depositing in their treasury in his own name, money, which he has, in other places, declared to be their property, was to avoid ostentation, and that *lending* the money was *the least liable to reflection;* yet, when he has stated these and other conjectural motives for his own conduct, he declares *he will not affirm, though he is firmly persuaded, that those were his sentiments on the occasion.* That, of one thing only, the said Warren Hastings declares he is *certain;* viz. "that it was his design originally to have *concealed* the receipt of all sums except the second, even from the knowledge of the court of directors; but that, when

fortune threw a sum in his way of a magnitude *which could not be concealed*, and the peculiar delicacy of his situation at the time which he had received it made him more circumspect of appearances, he *chose* to apprize his employers of it." That the said Warren Hastings informs the directors that he had endorsed the bonds taken by him for money belonging to the company, and lent by him to the company, *in order to guard against their becoming a claim on the company, as part of his estate, in the event of his death*; but he has not affirmed, nor does it any where appear, that he has surrendered the said bonds, as he ought to have done. That the said Warren Hastings, in affirming that he had not time to answer the questions put to him by the directors, while he was in Bengal—in not bringing with him to England the documents necessary to enable him to answer those questions, or in pretending that he has not brought them—in referring the directors back again to Bengal for those documents, and for any further information, on a subject on which he has given them no information, and particularly in referring them back to a person in Bengal for a paper which, he says, contained the *only* account he ever kept of the transaction, while he himself professes to doubt whether that paper *be still in being*, whether *it be in the hands* of that person, or whether that person *can recollect any thing distinctly concerning it*—has been guilty of gross evasions, and of palpable prevarication and deceit, as well as of contumacy and disobedience to the lawful orders of the court of directors; and thereby confirmed all the former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.

IX. RESIGNATION OF THE OFFICE OF GOVERNOR-GENERAL.

That Warren Hastings having, by his agent, Lauchlin Macleane, Esq., on the 10th day of October, in the year 1776, "signified to the court of directors his desire to resign his office of governor-general of Bengal, and requested their nomination of a successor to the vacancy which would be thereby occasioned in the supreme council," the court of directors did thereupon desire the said Lauchlin Macleane "to inform them of the authority under which he acted in a point of such very great importance;" and the said Lauchlin Macleane "signifying thereupon his readiness to give the court every possible satisfaction on that subject, but the powers with which he was entrusted by the papers in his custody being mixed with other matters of a nature extremely confidential, he would submit the same to the inspection of any three of the members of the court," the said court of directors empowered the chairman, deputy chairman, and Richard Becher, Esq., to inspect the authorities, powers, and directions with which Mr. Macleane was furnished by Mr. Hastings, to make the propositions contained in his letter of the 10th October, 1776, and to report their opinion thereon. And the said committee did accordingly, on the 23d of the said month, report "that, having conferred with Mr. Macleane on the subject of his letter presented to the court the 11th instant, they found that, from the purport of Mr. Hastings's instructions, contained in a paper in his own hand-writing, given to Mr. Macleane, and produced by him to them, Mr. Hastings declared he would not continue in the government of Bengal, unless certain conditions, therein specified, could be obtained, of which they saw no probability; and Mr.

George Vansittart had declared to them that he was present when these instructions were given to Mr. Macleane, and when Mr. Hastings empowered Mr. Macleane to declare his resignation to the said court; that Mr. Stewart had likewise confirmed to them, that Mr. Hastings declared to him that he had given directions to the above purpose by Mr. Macleane."

And the court of directors, having received from the said report due satisfaction respecting the authority vested in the said Lauchlin Macleane to propose the said resignation of the office of governor-general of Bengal, did unanimously resolve to accept the same; and he did also, under powers vested in the said court by the act of the thirteenth year of his present majesty, "nominate and appoint Edward Wheler, Esq., to succeed to the office in the council of Fort William in Bengal, which will become vacant by the said resignation, if such nomination shall be approved by his majesty:" which nomination and appointment were afterwards, in due form, approved and confirmed by his majesty.

That the court of directors did, by a postscript to their general letter, dated 25th of October, 1776, acquaint the governor-general and council at Calcutta of their acceptance of the said resignation, of their appointment of Edward Wheler, Esq., to fill the said vacancy, and of his majesty's approbation of the said appointment, together with the grounds of their said proceedings; and did transmit to the said governor-general and council copies of the said instruments of appointment and confirmation."

That the said despatches from the court of directors were received at Calcutta, and were read in council on the 19th day of June, in the year 1777; and that Warren Hastings, Esq., having taken no steps to yield the government to his successor, General Clavering, and having observed a profound silence on the subject of the said despatches, he, the said General Clavering, did, on the next day, being the 20th of June, by a letter addressed to the said Warren Hastings,

require him to surrender the keys of Fort William and of the company's treasuries; but the said Warren Hastings did positively refuse to comply with the said requisition, "denying that his office was vacated, and declaring his resolution to assert and maintain his authority by every legal means."

That the said General Clavering, conceiving that the office of governor-general was vacated by the arrival of the said despatches, which acquainted the council general of the resignation of the said Warren Hastings, and the appointment of the said Edward Wheler, Esq., and that he, the said General Clavering, had in consequence thereof legally succeeded, under the provisions of the act of the thirteenth year of his present majesty's reign, to the said office of governor-general, become vacant in the manner aforesaid, did, in virtue thereof, issue in his own name summonses to Richard Barwell, Esq., and Philip Francis, Esq., members of the council, to attend the same; and, in the presence of the said Philip Francis, Esq., who obeyed the said summons, did take the oaths as governor-general, and did sit and preside in council as governor-general, and prepared several acts and resolutions in the said capacity of governor-general; and did, amongst other things, prepare a proclamation to be made of his said succession to the government, and of its commencing from the date of the said proclamation; but did not carry any of the acts or resolutions so prepared into execution.

That the said Warren Hastings did, notwithstanding thereof, and in pursuance of his resolution to assert and maintain his authority, illegally and unjustifiably summon the council to meet in another department, and did sit and preside therein, apart from the said General Clavering and his council; and, in conjunction with Richard Barwell, Esq., who concurred therein, issued sundry orders, and did sundry acts of government belonging to the office of governor-general; and, amongst others, did order several letters to be writ-

ten in the name of the governor-general and council, and did subscribe the same, to the commandant of the garrison of Fort William, and to the commanding officer at Barrackpore, and to the commanding officers at the other stations, and also to the provincial councils and collectors in the provinces, enjoining them severally "to obey no orders, excepting such as should be signed by the said Warren Hastings or a majority of his council."

That the said Warren Hastings did, by the said proceedings, which were contrary both to law and to good faith, constitute a double government, thereby destroying and annihilating all government whatever; and, by his said orders to the military officers, did prepare for open resistance by arms, exposing thereby the settlement, and all the inhabitants, subjects of or dependent on the British government, whether native or European, not only to political distractions, but to the horrors of civil war; and did, by exposing the divisions and weakness of the supreme government, and thereby loosening the obedience of the provinces, shake the whole foundation of British authority, and imminently endanger the existence of the British nation in India.

That the said evils were averted only by the moderation of the said General Clavering and Philip Francis, Esq., in consenting to a reference, and submitting to the decision of the judges of the supreme court of judicature, although they entertained no doubts themselves on the legality of their proceedings, and the validity of General Clavering's instant right to the chair; and although they were not in any way bound by law to consult the said judges, who had no legal or judicial authority therein in virtue of their offices, or as a court of justice, but were consulted, and interposed their advice only as individuals, by the voluntary reference of the parties in the said dispute. And the said Warren Hastings, by his declaration entered in minutes of council, "that it was his determination to abide by the opinion of the judges," and by the measures he had previously taken as

aforesaid to enforce the same by arms, did risk all the dangerous consequences above mentioned; which must have taken place, if the said General Clavering and Philip Francis, Esq., had not been more tender of the public interests, and less tenacious of their own rights, and had persisted in their claim, as they were by law entitled to do, the extra-judicial interposition of the judges notwithstanding; and from which claim they receded only from their desire to preserve the peace of the settlement, and to prevent the mischiefs which the illegal resistance of the said Warren Hastings would otherwise infallibly have occasioned.

That after the said judges had delivered their opinion, "that the place and office of governor-general of this presidency had not yet been vacated by Warren Hastings, and that the actual assumption of the government by the member of the council next in succession to Mr. Hastings, in consequence of any deduction which could be made from the papers communicated to them, would be absolutely illegal;" and after the said General Clavering and Philip Francis, Esq., had signified to the said Warren Hastings, by a letter dated the 21st of June, "their intention to acquiesce in the opinion of the judges;" and when the differences in the supreme council were by these means composed, and the calamities consequent thereon were avoided, the said Warren Hastings and Richard Barwell, Esq., did once more endanger the public peace and security, by other illegal, unwarrantable, and unprovoked acts of violence; having omitted to summon either the said General Clavering, or the said Philip Francis, Esq., to council: and having, in a council held thus privately and clandestinely, and contrary to law, on the 22d day of June, come to the following resolutions, viz.:

"Resolved, that by the said acts, orders, and declarations of Lieutenant-General John Clavering, recited in the foregoing papers [meaning the proceedings of General Clavering in his separate council on the 20th of June], he has actually usurped and assumed, and taken possession of, the place and

office of governor-general of the presidency of Fort William, in Bengal, granted by the act of the 13th of his present majesty to Warren Hastings, Esq.

"Resolved, that Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated the office of senior counsellor of Fort William, in Bengal.

"Resolved, that Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated his place of commander-in-chief of the company's forces in India.

"Resolved, that Richard Barwell, Esq., by virtue of the said act of parliament, and by the death of the honorable George Monson, Esq., is promoted to the office of senior counsellor of the presidency of Fort William, in Bengal, in consequence of the said relinquishment, resignation, surrender, and vacation of General Clavering.

"Resolved, that the office of commander-in-chief of the company's forces in India, by the relinquishment, resignation, surrender, and vacation of General Clavering, and by the death of the honorable George Monson, Esq., does no longer exist.

"Resolved, that, for the preservation of the legality of our proceedings, Lieutenant-General John Clavering be not in future summoned or admitted as a member of the governor-general and council."

And the said Warren Hastings and Richard Barwell, Esq., did again sit in council on the next day, being the 23d of June, without summoning either General Clavering, or Philip Francis, Esq.; and did come to several other resolutions, and make several orders, contrary to law or justice, and inconsistent with the tranquillity and the security of the settlement; that is to say, they ordered their secretary "to notify to General Clavering, that the board had declared his offices of senior counsellor and commander-in-chief to be vacant; and to furnish him with a copy of these proceed-

ings, containing the grounds of the board for the aforesaid declaration."

And they ordered extracts of the said proceedings "to be issued in general orders, with letters to all the provincial councils and military stations, directing them to publish the same in general orders:" and they resolved, "that all military returns be made to the governor-general and council in their military department, until a commander-in-chief shall be appointed by the company."

That, on the day following, that is to say, on the 24th of June, the said Warren Hastings did again omit to summon General Clavering to council, and did again, together with Richard Barwell, Esq., who concurred therein, adhere to and confirm the said illegal resolutions come to on the two former days, declaring, "that they could not be retracted but by the present authority of the law, or by future orders from home;" and aggravating the guilt of the said unjustifiable acts by declaring, as the said Warren Hastings did, "that they were not the precipitate effects of an instant and passionate impulse, but the fruits of long and most temperate deliberations, of inevitable necessity, of the strictest sense of public duty, and of a conviction equal in its impression on his mind to absolute certainty."

That the said Warren Hastings was the less excusable in this obstinate adherence to his former unjust proceedings, as the said declarations were made in answer to a motion made by Philip Francis, Esq., for the reversal of the said proceedings, and to a minute introducing the said motion; in which Mr. Francis set forth in a clear and forcible manner, and in terms with which the court of directors have since declared their entire concurrence, both the extreme danger and the illegality and invalidity of the said proceedings of Warren Hastings and Richard Barwell, Esq., concluding the said minute by the following conciliatory declaration: "and, that this salutary motion may not be impeded by any idea or suspicion that General Clavering may do any act incon-

sistent with the acquiescence, which both he and I have avowed in the decision of the judges, I will undertake to answer for him in this respect; or that, if he should depart from the true spirit and meaning of that acquiescence, I will not be a party with him in such proceedings."

That the said Warren Hastings could not plead ignorance of the law in excuse for the said illegal acts, as it appears from the proceedings of the four preceding days that he was well acquainted with the tenure by which the members of the council held their offices under the act of the 13th of his present majesty, and had stated the same as a ground for retaining his own office, contrary to an express declaration of the court of directors, and an instrument under the sign-manual of his majesty; and the judges of the supreme court, in their reasons for their decision in his favor, had stated the provisions in the said act, so far as they related to the matter in dispute; from which it appeared, that there were but four grounds on which the office of any member of the council could be vacated; namely, death, removal, resignation, or promotion. And as the act confined the power of removal to "his majesty, his heirs and successors, upon representation made by the court of directors of the said united company for the time being;" and conferred no such power on the governor-general, or a majority of the council, to remove, on any ground, or for any cause whatever, one of their colleagues; so, granting the claim of General Clavering to the chair, and his acts done in furtherance thereof, to have been illegal and criminal in whatever degree, yet it did not furnish to the rest of the council any ground to remove him from his office of counsellor under the provisions of the said act: and there could therefore remain only his *resignation* or *promotion*, as a possible means of vacating his said office. But with regard to the promotion of General Clavering to the office of governor-general, although he claimed it himself, yet, as Mr. Hastings did not admit it, and as in fact it was even receded from by

General Clavering, it could not be considered, at least by Mr. Hastings, as a valid ground for vacating his office of senior counsellor, since the act requires for that purpose, not a rejected claim, but an actual and effectual promotion; and General Clavering's office of counsellor could no more be vacated by such a naked claim, unsupported and disallowed, than the seat of a member of the house of commons could be vacated, and a new writ issued to supply the vacancy, by his claim to the office of steward of the Chiltern Hundreds, when his majesty has refused to appoint him to the said office. And with regard to resignation, although the said Warren Hastings, as a color to his illegal resolutions, had affectedly introduced the word "resigned" amongst those of "relinquished, surrendered, and vacated," yet he well knew that General Clavering had made no offer nor declaration of his resignation of his offices of senior counsellor and commander-in-chief; and that he did not claim the office of governor-general on the ground of any such resignation made by himself, but on the ground of a resignation made by the said Warren Hastings, which resignation the said Warren Hastings did not admit; and the use of the term *resigned*, on that occasion, was therefore a manifest and wilful misconstruction and misapplication of the words of the act of his present majesty. And such misinterpretation and false extension of the term of resignation was the more indecent in the said Warren Hastings, as he was at the same moment disavowing and refusing to give effect to his own clear and express resignation, according to the true intent and meaning of the word as used in the said act, made by his agent, duly authorized and instructed by himself so to do, to an authority competent to receive and accept the same.

That, although the said Warren Hastings did afterwards recede from the said illegal measures, in compliance with the opinion and advice of the judges again interposed, and did thereby avoid the guilt of such further acts, and the blame

of such further evils, as must have been consequent on a persistence therein; yet he was, nevertheless, still guilty of the illegal acts above described; and the same are great crimes and misdemeanors.

That, although the judges did decide that the office of governor-general, held by the said Warren Hastings, was not *ipso facto* and *instanter* vacated by the arrival of the said despatches and documents transmitted by the court of directors; and did consider the said consequences of the resignation as awaiting some future act or event for its complete and effectual operation; yet the said judges did not declare any opinion on the ultimate invalidity of the said acts of Lauchlin Macleane, Esq., as not being binding on his principal, Warren Hastings, Esq., nor did they declare any opinion that the obligation of the said resignation was not from the beginning conclusive and effectual, although its operation was, from the necessity of the case, on account of the distance between England and India, to take place only in future; or that the said resignation made by Lauchlin Macleane, Esq., was only an offer or proposal of a resignation to be made at some future and indefinite period, or a mere intimation of the desire of Warren Hastings, Esq., to resign at some future and indefinite period, and that the said resignation, notwithstanding the acceptance thereof by the court of directors, and the regular appointment and confirmation of a successor, was still to remain optional in the said Warren Hastings, to be ratified or departed from at his future choice or pleasure; nor did the said judges pronounce, nor do any of their reasonings, which accompanied their decision, tend to establish it as their opinion, that even the time for ratifying and completing the said transaction was to be at the sole discretion of the said Warren Hastings; but they only delivered their opinion, as aforesaid, that his said office "has not *yet* been vacated, and therefore that the *actual* assumption of the government by the member of the council next in succession was, in the actual circumstances, and *rebus sic stantibus*, illegal."

That the said Warren Hastings does no where himself contend, that the said resignation was not absolute, but optional, according to the true meaning and understanding of the parties in England, and so far as the acts of Lauchlin Macleane, Esq., and the court of directors were binding on him; but on the contrary he grounds his refusal to complete the same, not on any interpretation of the words in which the said resignation, and the other instruments aforesaid, were conceived, but rather on a disavowal (not direct, indeed, but implied) of his said agent, and of the powers under which the said agent had claimed to act in his behalf. Neither did the said Warren Hastings ground his said refusal on any objection to the particular day, or period, or circumstances, in which the requisition of General Clavering was made; nor accompany the said refusal with any qualification in that respect, or with any intimation that he would, at any future or more convenient season, comply with the same; although such an intimation might probably have induced General Clavering to wave an instant and immediate claim to the chair, and might, therefore, have prevented the distractions which happened, and the greater evils which impended, in consequence of the said claim of General Clavering, and the said refusal of Warren Hastings, Esq. But the said Warren Hastings did, on the contrary, express his said refusal in such general and unqualified terms as intimated an intention to resist absolutely and altogether, both then and at any future time, the said requisition of General Clavering. And the subsequent proceedings of the said Warren Hastings do all concur in proving that such was his intention; for he did afterwards, in conformity to the advice of the judges, move a resolution in council, "that all parties be placed in the same situation in which they stood before the receipt of the last advices from England; reserving and submitting to a decision in England the respective claims, that each party may conceive they have a right to make, but not acting upon those claims till

such decision shall arrive in Bengal;" thereby clearly and explicitly declaring, that it was not his intention to surrender the government until such decision should arrive in Bengal, which could not be expected in less time than a year and a half after the date of the said resolution; and thereby clearly and explicitly declaring, that he did not consider his resignation as binding for the present. And the said intention was manifested, if possible, still more directly and expressly, in a letter written by the said Warren Hastings to the court of directors, dated the 15th of August, 1777, being almost two months after the receipt of the said despatches; in which the said Warren Hastings declares, that "he did not hold himself bound by the notification made by Mr. Macleane, nor by any of the acts consequent of it."

That, such appearing to have been the intention of the said Warren Hastings, General Clavering was justified in immediately assuming the government, without waiting for any future act of the said Warren Hastings for the actual surrender of the said government, none such being likely to happen; and Philip Francis, Esq., was justified in supporting General Clavering in the same on the soundest principles of justice, and on a maxim received in courts of equity, namely, that no one shall avail himself of his own wrong; and that, if any one refuse or neglect to perform that which he is bound to do, the rights of others shall not be prejudiced thereby, but such acts shall be deemed and reputed to have been actually performed, and all the consequences shall be enforced, which would have followed from such actual performance. And therefore the resolutions moved and voted in council by the said Warren Hastings, declaring the offices of General Clavering to be vacant, were not only illegal, inasmuch as the said Warren Hastings had no authority to warrant such a declaration, even on the supposition of the acts of General Clavering being contrary to law; but the said resolutions were further highly culpable and criminal, inasmuch as the said acts done by General Clavering,

which were made the pretence of that proceeding, were strictly regular and legal.

That the refusal of the said Warren Hastings to ratify the resignation, and his disavowal of the said Lauchlin Macleane, his agent, is not justified by any thing contained in his said letter to the court of directors, dated on the 15th of August, 1777, the said Warren Hastings no where directly and positively asserting, that the said Lauchlin Macleane was not his agent, and had not both full and general powers, and even particular instructions for this very act; although the said Warren Hastings uses many indirect and circuitous, but insufficient and inapplicable insinuations to that effect. And the said letter does, on the contrary, contain a clear and express avowal, that the said Lauchlin Macleane was his confidential agent, and that in that capacity he acted throughout, and particularly in this special matter, with zeal and fidelity. And the said letter does further admit in effect the instructions produced by the said Lauchlin Macleane, Esq., confirmed by Mr. Vansittart and Mr. Stewart, and relied on and confided in by the court of directors, by which the said Lauchlin Macleane appeared to be specially empowered to declare the said resignation; the words of the said instruction being as follows: "that he (Mr. Hastings) *will not continue in the government of Bengal*," "unless certain conditions therein specified can be obtained:" and the words of the letter being as follow: "What I myself know with certainty, or can recollect at this distance of time, concerning the powers and instructions which were given to Messieurs Macleane and Graham, when they undertook to be my agents in England, I will circumstantially relate.

"I am in possession of two papers, which were presented to those gentlemen at the time of their departure from Bengal; one of which comprises four short propositions, *which I required as the conditions of my being confirmed in this government.*"

And although the said Warren Hastings does here artfully

somewhat change the words of his written instructions (and which, having in his possession, he might as easily have given verbatim) to other words, which may appear less explicit, yet they are in fact capable of only the same meaning; for as, at the time of giving the said instructions to his agents, he was in full possession of his office, he could want no confirmation therein, except *his own;* and, in such circumstances, "to require certain things, *as the conditions of his being confirmed in his government,*" is tantamount to a declaration, *that he will not continue in his government unless those conditions can be obtained.*" And the said attempt at prevarication can serve its author the less, as either both sentences have one and the same meaning, or, if their meaning be different, the original instructions in his own handwriting, or, in other words, the thing itself, must be preferred as evidence of its contents to a loose statement of its purport, founded, perhaps, on a loose recollection of it at a great distance of time.

That the said refusal of Warren Hastings, Esq., was a breach of faith with the court of directors, and his majesty's ministers in England; as the said resignation was not merely a voluntary offer, without any consideration, and therefore subject to be recalled or retracted at the pleasure of the said Warren Hastings, but ought rather to be considered as having been the result of a negotiation carried on between Mr. Macleane for the benefit of Warren Hastings, Esq., on the one hand, and by the court of directors for the interests of the company on the other; which view of the transaction will appear the more probable, when it is considered, that at the time of the said resignation, a strict inquiry had been carrying on by the court of directors into the conduct of the said Warren Hastings; and the solicitor and counsel to the company, and other eminent counsel, had given it as their opinions, on cases stated to them, that there were grounds for suing the said Warren Hastings in the courts of law and equity; and that the company would be entitled to recover

in the said suits against Warren Hastings, Esq., several very large sums of money taken by him in his office of governor-general, contrary to law, and in breach of his covenants, and of his duty to the company and the public; and the court of directors had also come to various severe resolutions of censure against the said Warren Hastings, and amongst others to a resolution to recall the said Warren Hastings, and remove him from his office of governor-general, to answer for sundry great crimes and delinquencies by him committed in his said office.

And on these accounts it appears probable, that the said resignation was tendered and accepted as a consideration for some beneficial concession made in consequence thereof to the said Warren Hastings in his said dangerous and desperate condition.

And the said refusal was also an act of great disrespect to the court of directors, and to his majesty; and, by rendering abortive their said measures, solemnly and deliberately taken, and ratified and confirmed by his majesty, tended to bring the authority of the court of directors, and of his majesty, into contempt.

And the said refusal was an injury to General Clavering.

And was, also, or might have been, a great injury to Edward Wheler, Esq.

And was an act of signal treachery to Lauchlin Macleane, Esq., as also to Mr. Vansittart and Mr. Stewart, whose honor and veracity were thereby brought into question, doubt, and suspicion.

And the said refusal was prejudicial to the affairs of the servants of the company in India, by shaking the confidence to be placed in their agents by those persons with whom it might be for their interest to negotiate on any matter of importance, and by thus subjecting the communication of persons abroad with those at home to difficulties not known before.

X. SURGEON-GENERAL'S CONTRACT.

THAT the said Warren Hastings, in the year 1777, did grant to the surgeon-general a contract for three years, for defraying every kind of hospital and medicine expense, not only in breach of the general orders of the court of directors with respect to the duration of contracts, but in direct opposition to a particular order of the court of directors, of the 30th of March, 1774, when they directed "that the surgeon should not be permitted to enjoy any emolument arising from his being concerned in dieting the patients; and that the occupations of surgeon and contractor should be forthwith separated." That the said contract was in itself highly improper, and inconsistent with the good of the service; as it afforded the greatest temptation to abuse, and established a pecuniary interest in the surgeon-general, contrary to the duties of his station and profession.

XI. CONTRACTS FOR POOLBUNDY REPAIRS.

THAT the governor-general and council at Fort William did, on the motion and recommendation of Warren Hastings, Esq., enter into a contract with Archibald Frazer, Esq., on the 16th of April, 1778, for the repairs of the pools and banks in the province of Burdwan, for two years, at the rate of 120,000 sicca rupees for the first year, and 80,000 rupees for the second year.

That, on the 19th of December, 1778, the said Warren Hastings did further persuade the supreme council to prolong the term of the above contract with Archibald Frazer for the space of three years more on the same conditions; viz. the payment of 80,000 sicca rupees for each year. To which was added a permission to Mr. Frazer to make *dobunds*, or special repairs, whenever he should judge them necessary, at the charge of government.

That the said contracts, both in the manner of their acceptance by the supreme council, without having previously advertised for proposals, and in the extent of their duration, were made in direct violation of the special orders of the court of directors.

That, so far from any advantage having been obtained for the company in the terms of these contracts, in consideration of the length of time for which they were to continue, the expense of government upon this article was increased by these engagements to a very great amount.

That it appears that this contract had been held for some years before by the rajah of Burdwan, at the rate of 25,000 rupees per annum.

That the superintendent of Poolbundy repairs, after an

accurate and diligent survey of the bunds and pools, and the provincial council of Burdwan, upon the best information they could procure, had delivered it as their opinion to the governor-general and council, before the said agreement was entered into, that, after the heavy expense, (stated in Mr. Kinlock's estimate, viz. 119,405 sicca rupees,) if disbursed as they recommended, the charge in future seasons would be greatly reduced, *and, after one thorough and effectual repair, they conceived a small annual expense would be sufficient to keep the bunds up, and prevent their going to decay.*

That, whatever extraordinary and unusual damages the pools and bunds might have sustained, either from the neglect of the rajah's officers, or from the violence of the then late rains, and the torrents thereby occasioned, to justify the expense of the first year, yet, as they were all considered and included in the estimate for that year, there could be no pretence for allowing and continuing so large and burthensome a payment as 80,000 rupees per annum for the four succeeding years.

That the said Warren Hastings did, in his minutes of the 13th of February, 1778, himself support that opinion, in the comparison to be made between Mr. Thomson's proposals of undertaking the same service for 60,000 rupees a year, for nine years, and the terms of Mr. Frazer's contracts; preferring the latter, because these "were to effect a complete repair, which could hardly be concluded in one season, and the subsequent expense would be but trifling."

Notwithstanding which, the said Warren Hastings urged and prevailed upon the council to allow in the first year the full amount proposed by Mr. Kinlock in his estimate of the necessary repairs, and did burthen the company with what he must have deemed to be, for the greater part, an unnecessary expense of 80,000 rupees per annum for four years.

That the permission, granted to Mr. Frazer to make dobunds, or new and additional embankments in aid of the old ones, whenever he should judge them necessary, at the charge

of government, (the said charge to be verified by the oath of the said Frazer, without any voucher,) was a power very much to be suspected, and very improper to be entrusted to a contractor, who had already covenanted to keep the old pools in perfect repair, and to construct new ones wherever the old pools had been broken down and washed away, or where the course of the rivers might have rendered new ones necessary, in consideration of the great sums stipulated to be paid to him by the government.

That the grant of the foregoing contracts, and the permission afterwards annexed to the second of the said grants, become much more reprehensible from a consideration of the circumstances of the person to whom such a grant was made.

That the due performance of the service required local knowledge and experience, which the said Archibald Frazer, being an officer in the supreme court of justice, could not have possessed.

XII. CONTRACTS FOR OPIUM.

THAT it appears that the opium produced in Bengal and Bahar is a considerable and lucrative article in the export trade of those provinces; that the whole produce has been for many years monopolized, either by individuals or by the government; that the court of directors of the East-India Company, in consideration of the hardship imposed on the native owners and cultivators of the lands, who were deprived of their natural right of dealing with many competitors, and compelled to sell the produce of their labor to a single monopolist, did authorize the governor-general and council to give up that commodity as an article of commerce.

That, while the said commodity continued to be a monopoly for the benefit of government, and managed by a contractor, the contracts for providing it were subject to the company's fundamental regulation, namely, to be put up to auction, and disposed of to the best bidder; and that the company particularly ordered that the commodity, when provided, should be consigned to the board of trade, who were directed to dispose thereof by public auction.

That in May, 1777, the said Warren Hastings granted to John Mackenzie a contract for the provision of opium, to continue three years, and without advertising for proposals; that this transaction was condemned by the court of directors, notwithstanding a clause had been inserted in that contract, by which it was left open to the court of directors to annul the same at the expiration of the first or second year.

That, about the end of the year 1780, the said Warren Hastings, in contradiction to the order above mentioned, did take away the sale of the opium from the board of trade,

though he disclaimed, at the same time, *any intention of implying a censure on their management.*

That in March, 1781, the said Warren Hastings did grant to Stephen Sulivan, son of Lawrence Sulivan, chairman of the court of directors of the East-India Company, a contrast for the provision of opium, without advertising for proposals, and without even receiving any written proposals from him, the said Sulivan; that he granted this contract for four years, and, at the request of the said Sulivan, did omit that clause, which was inserted in the preceding contract, and by which it was rendered liable to be determined by orders from the company; the said Warren Hastings declaring, contrary to truth, that such clause was now unnecessary, as the directors *had approved* the contract.

That the said Sulivan had been but a few months in Bengal when the above contract was given to him; that he was a stranger to the country, and to all the local commerce thereof, and therefore unqualified for the management of such a concern; and that the said Sulivan, instead of executing the contract himself, did, shortly after obtaining the same, assign it over to John Benn and others; and in consideration of such assignment did receive from the said Benn a great sum of money.

That, from the preceding facts, as well as from sundry other circumstances of restrictions taken off, (particularly by abolishing the office of inspector into the quality of the opium,) and of beneficial clauses introduced, it appears that the said Warren Hastings gave this contract to the said Stephen Sulivan in contradiction to the orders of the court of directors, and without any regard to the interests of the India Company, for the sole purpose of creating an instant fortune for the said Sulivan at the expense of the India Company, without any claim of service or pretence of merit on his part, and without any apparent motive whatever, except that of securing or rewarding the attachment and support of his father Lawrence Sulivan, a person of great authority and

influence in the direction of the company's affairs, and notoriously attached to and connected with the said Warren Hastings.

That the said Stephen Sullivan neither possessed, nor pretended to possess, any skill in the business of his contract; that he exerted no industry, nor showed, or could show, any exactness in the performance of it, since he immediately sold the contract for a sum of money to another person, (for the sole purpose of which sale, it must be presumed, the same was given,) by which person another profit was to be made; and by that person the same was again sold to a third, by whom a third profit was to be made.

That the said Warren Hastings, at the very time when he engaged the company in a contract for engrossing the whole of the opium produced in Bengal and Bahar in the ensuing four years, on terms of such exorbitant profit to the contractor, affirmed, that "there was little prospect of selling the opium in Bengal at a reasonable price; and that it was but natural to suppose that the price of opium *would fall, from the demand being lessened:*" that, in a letter dated the 5th of May, 1781, he informed the directors, "that, owing to the indifferent state of the markets last season to the eastward, and the very enhanced rates of insurance, which the war had occasioned, they had not been able to dispose of the opium of the present year to so great an advantage as they expected; and that more than one half of it remained still in their warehouses." That the said Warren Hastings was guilty of a manifest breach of trust to his constituents and his employers in monopolizing for their pretended use an article of commerce, for which he declared *no purchasers had offered, and that there was little prospect of any offering; and the price of which*, he said, *it was but natural to suppose would fall.* That the said Warren Hastings, having, by his own act, loaded the company with a commodity, for which, either in the ordinary and regular course of public auction, or even by private contract, there was, as he affirmed, no sale,

did under pretence of finding a market for the same, engage the company in an enterprise of great and certain expense, subject to a manifest risk, and full of disgrace to the East-India Company, not only in their political character, as a great sovereign power in India, but in their commercial character, as an eminent and respectable body of merchants: and that the execution of this enterprise was accompanied with sundry other engagements with other persons, in all of which the company's interest was constantly sacrificed to that of individuals favored by the said Warren Hastings.

That the said Warren Hastings first engaged in a scheme to export one thousand four hundred and sixty chests of opium, on the company's account, on board a ship belonging to Cudbert Thornhill; half of which was to be disposed of in a coasting voyage, and the remainder in Canton. That, besides the freight and commission payable to the said Thornhill on this adventure, twelve pieces of cannon belonging to the company were lent for arming the ship; though his original proposal was, that the ship should be armed at his expense. That this part of the adventure, depending for its success on a prudent and fortunate management of various sales and resales in the course of a circuitous voyage, and being exposed to such risk both of sea and enemy, that all private traders had declined to be concerned in it, was particularly unfit for a great trading company, and could not be undertaken on their account with any rational prospect of advantage.

That the said Warren Hastings soon after engaged in another scheme for exporting two thousand chests of opium directly to China on the company's account, and for that purpose accepted of an offer made by Henry Watson, the company's chief engineer, to convey the same in a vessel of his own, and to deliver it to the company's supercargoes. That, after the offer of the said Henry Watson had been accepted, a letter from him was produced at the board, in which he declared, that he was unable to equip the ship with

a proper number of cannon, and requested, that he might be furnished with thirty-six guns from the company's stores at Madras; with which request the board complied. That it appears, that George Williamson, the company's auctioneer at Calcutta, having complained, that by this mode of exporting the opium, which used to be sold by public auction, he lost his commission as auctioneer, the board allowed him to draw a commission of one per cent. on all the opium which had been or was to be exported. That it appears, that the contractor for opium (whose proper duties and emoluments, as contractor, ended with the delivery of the opium) was also allowed to draw a commission on the opium then shipping on the company's account; but for what reason, or on what pretence, does not appear.

That the said Warren Hastings, in order to pay the said Stephen Sulivan in advance for the opium furnished, or to be furnished, by him in the first year of his contract, did borrow the sum of twenty lacks of rupees at eight per cent., or £200,000 sterling, to be repaid by drafts to be drawn on the company by their supercargoes in China, provided the opium consigned to them should arrive safe; but that, if the adventure failed, whether by the loss of the ships or otherwise, the subscribers to the above loan were to be repaid their capital and interest out of the company's treasury in Bengal.

That the said Warren Hastings, having in this manner purchased a commodity, for which he said there was no sale, and paid for it with money which he was obliged to borrow at a high interest, was still more criminal in his attempt, or pretended plan, to introduce it clandestinely into China. That the importation of opium into China is forbidden by the Chinese government; that the opium, on seizure, is burnt; the vessel that imports it confiscated; and the Chinese, in whose possession it may be found for sale, punished with death.

That the governor-general and council were well aware

of the existence of these prohibitions and penalties, and did therefore inform the supercargoes in China, that the ship belonging to the said Henry Watson would enter the river at China as an armed ship, *and would not be reported as bearing a cargo of opium; that being a contraband trade.* That, of the above two ships, the first, belonging to Cudbert Thornhill, was taken by the French; and that the second, arriving in China, did occasion much embarrassment and distress to the company's supercargoes there, who had not been previously consulted on the formation of the plan, and were exposed to great difficulty and hazard in the execution of their part of it. That the ship was delayed, at a demurrage of $100 a day, for upwards of three months, waiting in vain for a better market. The factory estimate the *loss* to the company, including port charges, demurrage, and factory charges allowed the captain, $69,993, or about £20,000 sterling.

That the company's factory at China, after stating the foregoing facts to the court of directors, conclude with the following general observations thereon: "On a review of these circumstances, with the extravagant and unusual terms of the freight, demurrage, factory charges, &c. &c., we cannot help being of opinion, that private considerations have been suffered to interfere too much for any benefit that may have been intended to the honorable company. We hope for the honorable court's approbation of our conduct in this affair. The novelty and nature of the consignments have been the source of much trouble and anxiety; and, though we wished to have had it in our power to do more, we may truly say we have exceeded our expectations."

That every part of this transaction, from the monopoly, with which it commenced, to the contraband dealing, with which it concluded, criminates the said Warren Hastings with wilful disobedience of orders, and a continued breach of trust; that every step taken in it was attended with heavy loss to the company, and with a sacrifice of their interest to

that of individuals, and that, if finally a profit had resulted to the company from such a transaction, no profit attending it could compensate for the probable risk to which their trade in China was thereby exposed; or for the certain dishonor and consequent distrust, which the East-India Company must incur in the eyes of the Chinese government, by being engaged in a low, clandestine traffic, prohibited by the laws of the country.

XIII. APPOINTMENT OF R. J. SULIVAN.

THAT, in the month of February, 1781, Mr. Richard Joseph Sulivan, secretary to the select committee at Fort St. George, applied to them for leave to proceed to Calcutta *on his private affairs*. That, being the confidential secretary to the select committee at Fort St. George, and consequently possessed of all the views and secrets of the company, as far as they related to that government, he went privately into the service of the nabob of Arcot; and, under the pretence of proceeding to Calcutta on his private business, undertook a commission from the said nabob to the governor-general and council, to negotiate with them in favor of certain projects of the said nabob, which had been reprobated by the company.

That the said Sulivan was soon after appointed back again by the said Warren Hastings to the office of resident at the durbar of the said nabob of Arcot. That it was a high crime and misdemeanor in the said Hastings to encourage so dangerous an example in the company's service, and to interfere unnecessarily with the government of Madras in the discharge of the duties peculiarly ascribed to them by the practice and orders of the company, for the purpose of appointing to a great and confidential situation a man who had so recently committed a breach of trust to his employers.

That the court of directors, in their letter to Bengal, dated the 12th of July, 1782, and received there on the 18th of February, 1783, did *condemn and revoke* the said appointment. That the said directors, in theirs to Fort St. George, dated the 28th of August, 1782, and received there the 31st of January, 1783, did highly condemn the conduct of the

said Sulivan; and, in order to deter their servants from practices of the same kind, *did dismiss him from their service.*

That the said Hastings, knowing that the said Sulivan's appointment had been condemned and revoked by the court of directors, and pretending that, on the 15th of March, 1783, he did not know that the said Sulivan was *dismissed* from the company's service, though that fact was known at Madras on the 31st of the preceding January, did recommend the said Sulivan to be ambassador at the court of Nizam Ally Cawn, subadar of the deccan, in defiance of the authority and orders of the court of directors.

That even admitting, what is highly improbable, that the *dismission* of the said Sulivan from the service of the said company was not known at Calcutta in forty-three days from Madras, the last-mentioned nomination of the said Sulivan was made at least in contempt of the censure already expressed by the court of directors at his former appointment to the durbar of the nabob of Arcot, and which was certainly known to the said Hastings.

XIV. RANNA OF GOHUD.

THAT, on the second of December, 1779, the governor-general and council of Fort William, at the special recommendation and instance of Warren Hastings, Esq., then governor-general, and contrary to the declared opinion and protest of three of the members of the council; viz. Philip Francis and Edward Wheler, Esq., who were present; and of Sir Eyre Coote, who was absent, (by whose absence the casting voice of the said Warren Hastings, Esq., prevailed,) did conclude a treaty of perpetual friendship and alliance, offensive and defensive, with a Hindoo prince, called the Ranna of Gohud, for the express purpose of using the forces of the said ranna in opposition to the Mahrattas.

That, among other articles, it was stipulated with the said ranna, by the said Warren Hastings, "that, whenever peace should be concluded between the company and the Mahratta state, the maha rajah should be included as a party in the treaty, which should be made for that purpose, and his present possessions, together with the fort of Gualior, which of old belonged to the family of the maha rajah, if it should be then in his possession, and such countries as he should have acquired in the course of war, and which it should then be stipulated to leave in his hands, should be guarantied to him by such treaty."

That in the late war against the Mahrattas the said ranna of Gohud did actually join the British army, under the command of Colonel Muir, with two battalions of infantry, and 1,200 cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service, to the company.

That, in conformity to the above mentioned treaty, in the fourth article of the treaty of peace, concluded on the 13th of October, 1781, between Colonel Muir on the part of the English company, and Madajee Scindia the Mahratta general, the said ranna of Gohud was expressly included.

That, notwithstanding the said express provision and agreement, Madajee Scindia proceeded to attack the forts, and lay waste the territories, of the said ranna, and did undertake and prosecute a war against him for the space of two years; in the course of which the ranna and his family were reduced to extreme distress, and in the end he was deprived of his forts, and the whole, not only of his acquired possessions, but of his original dominions, so specially guarantied to him by the British government in both the above mentioned treaties.

That the said Warren Hastings was duly and regularly informed of the progress of the war against the ranna, and of every event thereof; notwithstanding which, he not only neglected in any manner to interfere therein in favor of the said ranna, or to use any endeavors to prevent the infraction of the treaty, but gave considerable countenance and encouragement to Madajee Scindia in his violation of it, both by the residence of the British minister in the Mahratta camp, and by the approbation shown by the said Warren Hastings to the promises made by his agent of observing the strictest neutrality, notwithstanding he was in justice bound, and stood pledged by the most solemn and sacred engagements, to protect and preserve the said ranna from those enemies, whose resentment he had provoked only by his adherence to the interests of the British nation.

That, in the only attempt made to sound the disposition of Madajee Scindia, relative to a pacification between him and the ranna of Gohud, on the 14th of May, 1783, Mr. Anderson, in obedience to the orders he had received, did clearly and explicitly declare to Bhow Bucksey, the minister of Madajee Scindia, the sentiments of the said Warren Hastings,

in the words following :—"that it was so far from your (the said Hastings's) meaning, to intercede in his (the said ranna's) favor, that I only desired him to sound Scindia's sentiments, and, in case he was desirous of peace, to mention what I had said; but, if he seemed to prefer carrying on the war, I begged that he would not mention a syllable of what had passed, but let the matter drop entirely."

That it afterwards appeared, in a minute of the said Hastings, in council at Fort William, on the 22d of September, 1783, that he promised, at the instance of a member of the council, to write to Lieutenant James Anderson in favor of the ranna of Gohud, and lay his letter before the board.

That, nevertheless, the said Hastings, professing not to *recollect* his said promise, did *neglect to write a formal letter to Lieutenant Anderson in favor of the said ranna of Gohud*, and that the private letter, the extract of which the said Hastings did lay before the board on the 21st of October, 1783, so far from directing any effectual interference in favor of the said ranna, or commanding his agent, the said James Anderson, to interpose the mediation of the British government to procure "*honorable terms*" for the said ranna, or even "*safety to his person and family*," contains the bitterest invectives against him, and is expressive of the satisfaction which the said Hastings acknowledges himself to have enjoyed in the distresses of the said ranna, the ally of the company.

That the measure therein recommended appeared rather to have been designed to satisfy Madajee Scindia, and to justify the conduct of the British government in not having taken a more active and a more hostile part against the said ranna, than an intercession on his behalf.

That, though no consideration of good faith, or observance of treaties, could induce the said Hastings to incur the hazard of any hostile exertion of the British force for the defence or the relief of the allies of the company, yet, in the said private letter, he directed that, in case his mediation should be ac-

cepted, it should be made a *specific condition* that, *if the said ranna should take advantage of Scindia's absence to renew his hostilities, we ought, in that case, on requisition, to invade the dominions of the ranna.*

That no beneficial effects could have been procured to the said ranna by an offer of mediation delayed till Scindia no longer wanted "*our assistance to crush so fallen an enemy;*" at the same time that no reason was given to Scindia to apprehend the danger of drawing upon himself the resentment of the British government by a disregard of their proposal, and the destruction of their ally.

That it was a gross and scandalous mockery in the said Hastings to defer an application to obtain honorable terms for the ranna, and safety for his person and family, till he had been deprived of his principal fort, in defence of which his uncle lost his life, and on the capture of which his wife, to avoid the dishonor consequent upon falling into the hands of her enemies, *had destroyed herself by an explosion of gunpowder.*

That, however, it does not appear that any offer of mediation was ever actually made, or any influence exerted, either for the safety of the ranna's person and family, or in mitigation of the *rigorous intentions* supposed by Lieutenant Anderson to have been entertained against him by Madajee Scindia after his surrender.

That the said Hastings, in the instructions given by him to Mr. David Anderson for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the ranna of Gohud, in the following words: "You will of course be attentive to any engagements subsisting between us and other powers, in settling the terms of peace and alliance with the Mahrattas; I except from this the ranna of Gohud." "Leave him to settle his own affairs with the Mahrattas."

That the said Anderson appears very assiduously to have sought for grounds to justify the execution of this part of his

instructions, to which, however, he was at all events obliged to conform.

That, even after his application for that purpose to the Mahrattas, whose testimony was much to be suspected, because it was their interest to accuse, and their determined object to destroy, the said ranna, no satisfactory proof was obtained of his defection from the engagements he had entered into with the company.

That, moreover, if all the charges, which have been pretended against the ranna, and have been alleged by the said Hastings in justification of his conduct, had been well-founded, and proved to be true, the subject-matter of those accusations, and the proofs, by which they were to be supported, were known to Colonel Muir before the conclusion of the treaty he entered into with Madajee Scindia: and, therefore, whatever suspicions may have been entertained, or whatever degree of criminality may have been proved against the said ranna, previous to the said treaty, from the time he was so provided for, and included in, the said treaty, he was fully and justly entitled to the security stipulated for him by the company, and had a right to demand and receive the protection of the British government.

That these considerations were urged by Mr. Anderson to the said Warren Hastings, in his letter of the 24th of June, 1781, and were enforced by this additional argument, "that, in point of policy, I believe it ought not to be our wish that the Mahrattas should ever recover the fortress of Gualior; it forms an important barrier to our own possessions. In the hands of the ranna it can be of no prejudice to us; and, notwithstanding the present prospect of a permanent peace betwixt us and the Mahrattas, it seems highly expedient that there should always remain some strong barrier to separate us, on this side of India, from that warlike and powerful nation."

That the said Warren Hastings was highly culpable in abandoning the said ranna to the fury of his enemies, thereby

forfeiting the honor, and injuring the credit, of the British nation in India, notwithstanding the said Hastings was fully convinced, and has professed, "that the most sacred observance of treaties, justice, and good faith, were necessary to the existence of the national interests in that country. And though the said Hastings has complained of the insufficiency of the laws of this kingdom to enforce this doctrine "by the punishment of persons in the possession of power, who may be impelled by the provocation of ambition, avarice, or vengeance, stronger than the restrictions of integrity and honor, to the violation of this just and wise maxim."

That the said Hastings, in thus departing from these his own principles, with a full and just sense of the guilt he would thereby incur, and in sacrificing the allies of this country "*to the provocations of ambition, avarice, or vengeance,*" in violation of the national faith and justice, did commit a gross and wilful breach of his duty, and was thereby guilty of an high crime and misdemeanor.

XV. REVENUES.

PART I.

THAT the property of the lands of Bengal is, according to the laws and customs of that country, an inheritable property, and that it is, with few exceptions, vested in certain natives called zemindars, or landholders, under whom other natives, called talookdars and ryots, hold certain subordinate rights of property, or occupancy, in the said lands: that the said natives are Hindoos, and that their *rights and privileges are grounded upon the possession of regular grants, a long series of family succession, and fair purchase:* that it appears that Bengal has been under the dominion of the Mogul, and subject to a Mahomedan government, for above two hundred years. That, while the Mogul government was in its vigor, the property of zemindars was *held sacred;* and that, either by voluntary grant from the said Mogul, or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the single condition of paying a fixed, certain, and unalterable revenue, or quit-rent, to the Mogul government: that this revenue, or quit-rent, was called the *aussil jumma*, or *original ground-rent* of the provinces, and was not increased from the time when it was first settled, in 1573, to 1740, when the regular and effective Mogul government ended: that, from that time to 1765, invasions, usurpations, and various revolutions took place in the government of Bengal, in consequence of which the country was considerably reduced and impoverished, when the East-India Company received from the present Mogul emperor, Shâ Allum, a grant of the dewanny, or collection of the revenues: that, about the year

1770, the provinces of Bengal and Bahar were visited with a dreadful famine and mortality, by which at least one third of the inhabitants perished: that Warren Hastings, Esq. has declared "that he had always heard the loss of inhabitants reckoned at a third, and, in many places, near one half, of the whole; and that he knew not by what means such a loss could be recruited in four or five years, and believed it impossible." That, nevertheless, the revenue was *violently kept up to its former standard*, that is, in the two years immediately preceding the appointment of the said Warren Hastings to the government of Fort William; in consequence of which *the remaining two thirds of the inhabitants were obliged to pay for the lands now left without cultivation;* and that, from the year 1770 to the year 1775, *the country had languished, and the evil continued enhancing every day:* that the said Warren Hastings, in a letter to the secret committee of the court of directors, dated 1st September, 1772, declared "that the lands had suffered unheard-of depopulation by the famine and mortality of 1769; that the collections, *violently kept up to their former standard*, had added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it." That the said Warren Hastings has declared "that, by entrusting the collections to the hereditary zemindars, the people would be treated with *more tenderness*, the rents more improved, and cultivation more likely to be encouraged; that *they* have a perpetual interest in the country; that *their* inheritance cannot be removed; that *they* are the proprietors; that the lands are *their* estates, and *their* inheritance; that, from a long continuance of the lands in their families, it is to be concluded they have rivetted an authority in the district, acquired an ascendency over the minds of the ryots, and *ingratiated their affections*. That, from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, solid advantages might be expected to accrue: that the zemindar would be less liable

to failure or deficiencies than the farmer, from the perpetual interest which the former hath in the country, and because his inheritance cannot be removed; and it would be improbable that he should risk the loss of it by eloping from his district, which is too frequently practised by a farmer, when he is hard pressed for the payment of his balances, and as frequently predetermined when he receives his farm:" that, notwithstanding all the preceding declarations made by the said Warren Hastings of the loss of one third of the inhabitants, and general decline of the country, he did, immediately after his appointment to the government, in the year 1772, make an arbitrary settlement of the revenues for five years, at a higher rate than had ever been received before, and with a progressive and accumulating increase on each of the four last years of the said settlement.

That, notwithstanding the right of property and inheritance, repeatedly acknowledged by the said Warren Hastings to be in the zemindars, and other native landholders; and notwithstanding he had declared "that the security of private property is the greatest encouragement to industry, on which the wealth of every state depends;" the said Warren Hastings, nevertheless, in direct violation of those acknowledged rights and principles, did universally let the lands of Bengal *in farm* for five years; thereby destroying all the rights of private property of the zemindars; thereby delivering the management of their estates to farmers, and transferring, by a most arbitrary and unjust act of power, the whole landed property of Bengal from the owners to strangers: that, to accomplish this iniquitous purpose, he, the said Warren Hastings, did put the lands of Bengal up to a pretended public auction, *and invited all persons to make proposals for farming the same*, thereby encouraging strangers to bid against the proprietors; in consequence of which not only the said proprietors were ousted of the possession and management of their estates, but a great part of the lands fell into the hands of the banyans, or principal black servants of

British subjects, connected with and protected by the government: and that the said Warren Hastings himself has since declared, that, *by this way, the lands too generally fell into the hands of desperate or knavish adventurers:* that, before the measure herein before described was carried into execution, the said Warren Hastings did establish certain fundamental regulations in council, to be observed in executing the same: that, among these regulations, it was specially and strictly ordered, that no farm should exceed the annual amount of *one* lack of rupees; and "that no peshcar, banyan, or other servant, of whatever denomination, of the collector, or relation or dependant of any such servant, should be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer:" that, in direct violation of these his own regulations, and in breach of the public trust reposed in him, and sufficiently declared by the manifest duty of his station, if it had not been expressed and enforced by any positive institution, he, the said Warren Hastings, did permit and suffer his own banyan, or principal black steward, named Canto Baboo, to hold farms in different pergunnas, or districts, or to be security for farms, to the amount of thirteen lacks of rupees [£130,000 or upwards] per annum: and that, after enjoying the whole of those farms for two years, he was permitted by the said Warren Hastings to relinquish two of them: that, on the subject of the farms held by Canto Baboo, the said Warren Hastings made the following declaration: "Many of his farms were taken without my knowledge, and almost all against my advice. I had no right to use compulsion or authority; nor could I with justice exclude him, because he was my servant, from a liberty allowed to all other persons in the country. The farms, which he quitted, he quitted by my advice, because I thought that he might engage himself beyond his abilities, and be involved in disputes which I did not choose to have come before me as judge of them." That the said declaration contains sundry

false and contradictory assertions: that, if *almost all* the said farms were taken against his advice, it cannot be true, that *many* of them were taken without his knowledge: that, whether Canto Baboo had been his servant or not, the said Warren Hastings was bound by his own regulations to prevent his holding any farms to a greater amount than one lack of rupees per annum; and that the said Canto Baboo, being the servant of the governor-general, was excluded by the said regulations from holding any farms whatever: that if (as the directors observe) it was thought dangerous to permit the banyan of a collector to be concerned in farms, the same or stronger objections would always lie against the governor's banyan being so concerned: that the said Warren Hastings had a right, and was bound by his duty, to prevent his servant from holding the same: that, in advising the said Canto Baboo to relinquish some of the said farms, for which he was actually engaged, he has acknowledged an influence over his servant, and has used that influence for a purpose inconsistent with his duty to the India Company, namely, to deprive them of the security of the said Canto Baboo's engagement for farms, which on trial he had found not beneficial, or not likely to continue beneficial, to himself; and that if it was improper that he, the said Warren Hastings, should be the judge of any disputes, in which his servant might be involved on account of his farms, that reason ought to have obliged him to prevent his servant from being engaged in any farms whatever, or to have advised his said servant to relinquish the remainder of his farms, as well as those which the said Warren Hastings affirms he quitted by his advice: that, on the subject of the said charge, the court of directors of the East-India Company have come to the following resolutions: "*resolved*, that it appears that the conduct of the late president and council of Fort William in Bengal, in suffering Canto Baboo, the present governor-general's banyan, to hold farms in different pergunnas to a large amount, or to be security for

such farms, contrary to the tenor and spirit of the 17th regulation of the committee of revenue at Fort William, of the 14th May, 1772, and afterwards relinquishing that security without satisfaction made to the company, was highly improper, and has been attended with considerable loss to the company:" and that, in the whole of this transaction, the said Warren Hastings has been guilty of gross collusion with his servant, and manifest breach of trust to his employers: that, whereas it was acknowledged by the said Warren Hastings, that the country, in the years 1770 and 1771, had suffered great depopulation and decay; and that the collections of those years, having been violently kept up to their former standard, had added to the distress of the country,—the settlement of the revenues made by him for five years, commencing the 1st of May, 1772, instead of offering any abatement or relief to the inhabitants, who had survived the famine, held out to the East-India Company a promise of great *increase* of revenue, to be exacted from the country by the means herein before described: that this settlement was not realized, but fell considerably short, even in the first of the five years, when the demand was the lightest; and that, on the whole of the five years, the real collections fell short of the settlement to the enormous amount of £2,500,000 sterling, and upwards: that such a settlement, if it had been, or could have been, rigorously exacted from a country already so distressed, and from a population so impaired, that, in the belief of the said Warren Hastings, it was impossible such loss could be recruited in four or five years, would have been in fact, what it appeared to be in form, an act of the most cruel and tyrannical oppression; but that the real use made of that unjust demand upon the natives of Bengal was to oblige them to compound privately with the persons who formed the settlement, and who threatened to enforce it: that the enormous balances and remissions on that settlement arose from a general collusion between the farmers and collectors, and from a gene-

ral peculation and embezzlement of the revenues, by which the East-India Company was grossly imposed on, in the first instance, by a promised *increase* of revenue; and defrauded, in the second, not only by the failure of that *increase*, but by the revenues falling short of what they were in the two years preceding the said settlement to a great amount. That the said Warren Hastings, being then at the head of the government of Bengal, was a party to all the said imposition, fraud, peculation, and embezzlement, and is principally and specially answerable for the same; and that whereas sundry proofs of the said peculation and embezzlement were brought before the court of directors, the said directors (in a letter dated 4th of March, 1778, and signed by William Devaynes and Nathaniel Smith, Esqrs., now chairman and deputy chairman of the said court, and members of this house) did declare, that, "although it was rather their wish to prevent future evils, than to enter into a severe retrospection of past abuses, yet, as in some of the cases then before them they conceived there had been *flagrant corruption*, and in others great oppressions committed on the native inhabitants, they thought it unjust to suffer the delinquents to pass wholly unpunished; and therefore they directed the governor-general and council forthwith to commence a prosecution against the persons who composed the committee of circuit, and their representatives, and against all other proper parties;" but that the prosecutions, so ordered by the court of directors in the year 1778, have never been brought to trial; and that the said Warren Hastings did, on the 23d of December, 1783, propose and carry it in council, *that orders should be given for withdrawing* the said prosecutions; declaring, that he was clearly of opinion that there was no ground to maintain them, and *that they would only be productive of expense to the company, and unmerited vexation to the parties.*

PART II.

(REVENUES—CONTINUED.)

THAT the said Warren Hastings has, on sundry occasions, declared his deliberate opinion generally against all innovations, and particularly in the collection and management of the revenues of Bengal; that "he was well aware of the expense and inconvenience, *which ever attends innovations of all kinds* on their first institution. That innovations are *always* attended with difficulties and inconveniencies, and innovations in the revenue with a suspension of the collections; that the continual variations in the mode of collecting the revenue, and the continual usurpation of the rights of the people, have fixed in the minds of the ryots a rooted distrust of the ordinances of government:" that the court of directors have repeatedly declared their apprehensions "that a sudden transition from one mode to another, in the investigation and collection of their revenue, might have alarmed the inhabitants, lessened their confidence in the company's proceedings, and been attended with other evils:" that the said Warren Hastings, immediately after his appointment to the government of Fort William, in April, 1772, did abolish the office of *naib duan*, or native collector of the revenues, then existing; that he did at the same time appoint a committee of the board to go on a circuit through the provinces, and to form a settlement of the revenues for five years: that he did then appoint sundry of the company's servants to have the management of the collections, viz. one in each district, under the title of *collector;* that he did then abolish the general board of revenue or council at Muxadavad for the following reasons: "that while the controlling and executive part of the revenue, and the correspondence with the collectors, were carried on by a council at Muxadavad, the members of the administration at

Calcutta had no opportunity of acquiring that thorough and comprehensive knowledge, which could only result from *practical experience:* that the orders of the court of directors, which established a new system, which enjoined many new regulations and inquiries, could not properly be delegated to a subordinate council; and it became absolutely necessary, that the business of the revenues should be conducted *under the immediate observation and direction of the board:* " that, in November, 1773, the said Warren Hastings abolished the office of *collector*, and transferred the collection and management of the revenues to several councils of revenue, commonly called *provincial councils:* that, on the 24th of October, 1774, the said Warren Hastings *earnestly offered his advice* (to the governor-general and council then newly appointed by act of parliament) *for the continuation of the said system of provincial councils in all its parts:* that the said Warren Hastings did, on the 22d of April, 1775, transmit to the directors a formal plan for the future settlement of the revenues, and did therein declare, that, " with respect to the mode of managing the collection of the revenue, and the administration of justice, none occurred to him so good as the system which was already established, of provincial councils: " that, on the 18th of January, 1776, the said Warren Hastings did transmit to the court of directors a plan for the better administration of justice: that, in this plan, the establishment of the said provincial councils was specially provided for, and confirmed; and that Warren Hastings did recommend it to the directors *to obtain the sanction of parliament for a confirmation of the said plan:* that on the 30th of April, 1776, the said Warren Hastings did transmit to the court of directors the draught or scheme of an act of parliament for the better administration of justice in the provinces, in which the said establishment of provincial councils is again specially included, and special jurisdiction assigned to the said councils. That the court of directors, in a letter dated 5th of February, 1777,

did give the following instruction to the governor-general and council, a majority of whom, viz. Sir John Clavering, Colonel Monson, and Mr. Francis, had disapproved of the plan of provincial councils. "If you are fully convinced that the establishment of provincial councils has not answered, nor is capable of answering, the purposes intended by such institutions, we hereby direct you to form a new plan for the collection of the revenues, and to transmit the same to us *for our consideration.*" That the said Warren Hastings, in contradiction to his own sentiments repeatedly declared, and to his own advice repeatedly and deliberately given, and in defiance of the orders of the directors, to whom he transmitted no previous communication whatever of his intention to abolish the said provincial councils, did, in the beginning of the year 1781, again change the whole system of the collections of the public revenue of Bengal, as also the administration of civil and criminal justice throughout the provinces. That the said Warren Hastings, in a letter dated 5th of May, 1781, advising the court of directors of the said changes, has falsely affirmed "that the plan of superintending and collecting the public revenue of the provinces, through the agency of provincial councils, had been instituted for the temporary and declared purpose of introducing another more permanent mode *by an easy and gradual change:*" that, on the contrary, the said Warren Hastings, from the year 1773 to the year 1781, has constantly and uniformly insisted on the wisdom of that institution, and on the necessity of never departing from it: that he has, in that time, repeatedly advised that the said institution should be confirmed *in perpetuity* by an act of parliament: that the said total dissolution of the provincial councils was not introduced by any easy and gradual change, nor by any gradations whatever, but was sudden and unprepared, and instantly accomplished by a single act of power: and that the said Warren Hastings, in the place of the said councils, has substituted a committee of revenue, consisting of four covenanted servants, on principles

opposite to those which he had himself professed, and with exclusive powers, tending to deprive the members of the supreme council of a due knowledge of, and inspection into, the management of the territorial revenues, specially and unalienably vested by the legislature in the governor-general and council, and to vest the same solely and entirely in the said Warren Hastings. That the reasons, assigned by the said Warren Hastings for constituting the said committee of revenue, are incompatible with those which he professed when he abolished the subordinate council of revenue at Muxadavad: that he has invested the said committee, *in the fullest manner, with all the powers and authority of the governor-general and council:* that he has thereby contracted the whole power and office of the provincial councils into a small compass, and vested the same in four persons appointed by himself: that he has thereby taken the general transaction and cognizance of revenue business out of the supreme council: that the said committee are empowered to conduct the current business of the revenue department, without reference to the supreme council, and only *report to the board such extraordinary occurrences, claims, and proposals, as may require the special orders of the board;* that even the instruction to report to the board, in extraordinary cases, is nugatory and fallacious, being accompanied with limitations, which make it impossible for the said board to decide on any questions whatsoever; since it is expressly provided by the said Warren Hastings, *that, if the members of the committee differ in opinion, it is not expected that every dissentient opinion should be recorded;* consequently, the supreme council, on any reference to their board, can see nothing but the resolutions or reasons of the majority of the committee, without the arguments on which the dissentient opinions might be founded: and since it is also expressly provided by the said Warren Hastings that *the determination of the majority of the committee should not therefore be stayed, unless it should be so agreed by the majority;* that is, that, notwith-

standing the reference to the supreme council, the measure shall be executed without waiting for their decision. That the said Warren Hastings has delivered his opinion, with many arguments to support the same, in favor of long leases of the lands, in preference to *annual* settlements; that he has particularly declared "that the farmer, who holds his farm for one year only, having no interest in the next, takes what he can with the hand of rigor, which, even in the execution of legal claims, is often equivalent to violence. He is under the necessity of being rigid, and *even cruel;* for what is left in arrear after the expiration of his power is at best a doubtful debt, if ever recoverable. He will be tempted to exceed the bounds of right, and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting, where the farms pass *annually* from one hand to another. That the discouragements, which the tenants feel from being transferred every year to new landlords, are a great objection to such short leases; that they contribute to injure the cultivation, and dispeople the lands. That, on the contrary, from long farms the farmer acquires a permanent interest in his lands: he will, for his own sake, lay out money in assisting his tenants in improving lands already cultivated, and in clearing and cultivating waste lands." That, nevertheless, the said Warren Hastings, having left it to the discretion of the committee of revenue, appointed by him in 1781, to fix the time for which the ensuing settlement should be made; and the said committee having declared that, *with respect to the period of the leases in general, it appeared to the committee that, to limit them to one year would be the best period;* he, the said Warren Hastings, approved of that limitation, in manifest contradiction to all his own arguments, professions, and declarations, concerning the fatal consequences of *annual* leases of the lands; that, in so doing, the said Warren Hastings did not hold himself bound or restrained by the orders of the court of directors, but acted upon his own discretion; and that he has, for

partial and interested purposes, exercised that discretion, in particular instances, against his own general settlement for one year, by granting perpetual leases of farms and zemindaries to persons specially favored by him; and particularly by granting a perpetual lease of the zemindary of Baharbund to his servant, Canto Baboo, on very low terms: that, in all the preceding transactions, the said Warren Hastings did act contrary to his duty as governor of Fort William, contrary to the orders of his employers, and contrary to his own declared sense of expediency, consistency, and justice; and thereby did harass and afflict the inhabitants of the provinces with perpetual changes in the system and execution of the government placed over them, and with continued innovations and exactions against the rights of the said inhabitants; thereby destroying all security to private property, and all confidence in the good faith, principles, and justice of the British government: and that the said Warren Hastings, having substituted his own instruments to be the managers and collectors of the public revenue, in the manner herein before mentioned, did act in manifest breach and defiance of an act of the 13th of his present majesty, by which *the ordering, and management, and government of all the territorial revenues in the kingdoms of Bengal, Bahar, and Orissa*, were vested in the governor-general and council, without any power of delegating the said trust and duty to any other persons; and that, by such unlawful delegation of the powers of the council to a subordinate board appointed by himself, he, the said Warren Hastings, did in effect unite and vest in his own person the ordering, government, and management of all the said territorial revenues: and that, for the said illegal act, he, the said Warren Hastings, is solely answerable, the same having been proposed and resolved in council, when the governor-general and council consisted but of two persons present; namely, the said Warren Hastings, and the late Edward Wheler, Esq.; and when, consequently, the governor-general, by virtue of the casting voice, possessed the

whole power of the government. That, in all the changes and innovations herein before described, the pretence used by the said Warren Hastings, to recommend and justify the same to the court of directors, has been that such changes and innovations would be attended with increase of revenue, or diminution of expense, to the East-India Company: that such pretence, if true, would not have been a justification of such acts; but that such pretence is false and groundless. That, during the administration of the said Warren Hastings, the territorial revenues have declined; that the charges of collecting the same have greatly increased; and that the said Warren Hastings, by his neglect, mismanagement, and by a direct and intended waste of the company's property, is chargeable with, and answerable for, all the said decline of revenue, and all the said increase of expense.

XVI. MISDEMEANORS IN OUDE.

I. That the province of Oude and its dependencies were, before their connection with and subordination to the company, in a flourishing condition with regard to culture, commerce, and population, and their rulers and principal nobility maintained themselves in a state of affluence and splendor; but, very shortly after the period aforesaid, the prosperity both of the country and its chiefs began sensibly and rapidly to decline; insomuch that the revenue of the said province, which on the lowest estimation had been found, in the commencement of the British influence, at upwards of £3,000,000 sterling annually, (and that ample revenue raised without detriment to the country,) did not, in the year 1779, exceed the sum of £1,500,000, and in the subsequent years did fall much short of that sum, although the rents were generally advanced, and the country grievously oppressed in order to raise it.

II. That, in the aforesaid year, 1779, the demands of the East-India Company on the nabob of Oude are stated by Mr. Purling, their resident at the court of Oude, to amount to the sum of £1,360,000 sterling and upwards, leaving (upon the supposition that the whole revenue should amount to the sum of £1,500,000 sterling, to which it did not amount) no more than £140,000 sterling for the support of the dignity of the household and family of the nabob, and for the maintenance of his government, as well as for the payment of the public debts due within the province.

III. That, by the treaty of Fyzabad, a regular brigade of the company's troops, to be stationed in the dominions of the

nabob of Oude, was kept up at the expense of the said nabob; in addition to which a temporary brigade of the same troops was added to his establishment, together with several detached corps in the company's service; and a great part of his own native troops were put under the command of British officers.

IV. That the expense of the company's temporary brigade increased in the same year (the year of 1779) upwards of £80,000 sterling above the estimate; and the expense of the country troops under British officers in the same period increased upwards of £40,000 sterling; and, in addition to the aforesaid ruinous expenses, a large civil establishment was gradually, secretly, and without any authority from the court of directors, or record in the books of the council general concerning the same, formed for the resident, and another under Mr. Wombwell, an agent for the company; as also several pensions and allowances, in the same secret and clandestine manner, were charged on the revenues of the said nabob for the benefit of British subjects, besides large occasional gifts to persons in the company's service.

V. That, in the month of November, 1779, the said nabob did represent to Mr. Purling, the company's resident aforesaid, the distressed state of his revenues, in the following terms: "During three years past, the expense occasioned by the troops in brigade, and others commanded by European officers, has much distressed the support of my household, insomuch that the allowances made to the seraglio and children of the deceased nabob have been reduced to one fourth of what it had been, upon which they have subsisted in a very distressed manner for two years past. The attendants, writers, and servants, &c. of my court have received no pay for two years past; and there is, at present, no part of the country that can be allotted to the payment of my father's private creditors, whose applications are daily pressing

upon me. All these difficulties I have for these three years past struggled through, and found this consolation therein, that it was complying with the pleasure of the honorable company, and in the hope that the supreme council would make inquiry from impartial persons into my distressed situation; but I am now forced to a representation. From the *great increase of expense* the revenues were necessarily farmed out *at a high rate;* and deficiencies followed yearly. The country and cultivation is abandoned, and this year, in particular, from the excessive drought, deductions of many lacks" [stated by the resident, in his letter to the board of the 13th of the month following, to amount to twenty-five lacks, or £250,000 sterling] "have been allowed the farmers, who were still left unsatisfied. I have received but just sufficient to support my absolute necessities, the revenues being deficient to the amount of fifteen lacks [£150,000 sterling], and for this reason many of the old chieftains, with their troops, and the useful attendants of the court, were forced to leave it, and there is now only a few foot and horse for the collection of my revenues; and, should the zemindars be refractory, there is not left a sufficient number to reduce them to obedience." And the said nabob did therefore pray, that the assignments for the new brigade, the corps of horse, and the other detached bodies of the company's troops, might not be required from him; alleging, "that the former was not only quite useless to his government, but moreover the cause of much loss both in the revenues and customs; and that the detached bodies of troops, under their European officers, brought nothing but confusion into the affairs of his government, and were entirely their own masters."

VI. That it appears, that the said nabob was not bound by any treaty to the maintenance, without his consent, *even of the old brigade;* the court of directors having, in their letter of the 15th December, 1775, approved of keeping the same in his service, "*provided it was done with the free con-*

sent of the soubah, and by no means without it." And the *new brigade*, and temporary corps, were raised on the express condition, that the expense thereof should be charged on the nabob only "*for so long a time as he should require the corps for his service.*" And the court of directors express to the governor-general and council their sense of the said agreement in the following terms: "but if you intend to exert your influence, first to induce the vizier to acquiesce in your proposal, and afterwards *to compel him to keep the troops in his pay during your pleasure, your intents are unjust; and a correspondent conduct would reflect great dishonor on the company.*"

VII. That, in answer to the decent and humble representation aforesaid of the nabob of Oude, the allegations of which, so far as they relate to the distressed state of the nabob's finances, and his total inability to discharge the demands made on him, were confirmed by the testimony of the English resident at Oude, and which the said Hastings did not deny in the whole or in any part thereof, he, the said Warren Hastings, did, on pretence of certain political dangers, declare the relief desired to be "without hesitation *totally* inadmissible;" and did falsely and maliciously insinuate, "that the *tone*, in which the demands of the nabob were asserted, and the season, in which they were made, did give cause for *the most alarming suspicions.*" And the said Warren Hastings did, in a letter to the nabob aforesaid, written in haughty and insolent language, and without taking any notice of the distresses of the said nabob, alleged and verified as before recited, "require and insist upon your [the nabob's] granting tuncaws [assignments] for the full amount of their [the company's] demands upon you for the current year, and on your reserving funds sufficient to answer them, *even should the deficiencies of your revenues compel you to leave your own troops unprovided for, or to disband a part of them, to enable you to effect it.*

VIII. That in a letter, written at the same time to the resident Purling, and intended for his directions in enforcing on the nabob the unjust demands aforesaid, the said Warren Hastings hath asserted, in direct contradiction to the treaties subsisting between the said nabob and the company, "that he [the nabob] stands engaged to our government to maintain the English armies, which, at his own request, have been formed for the protection of his dominions; and *that it is our part, and not his, to judge and determine in what manner and at what time these shall be reduced and withdrawn.*" And in a minute of consultation, when the aforesaid measure was proposed by the said Hastings to the supreme council, he did affirm and maintain, that the troops aforesaid "had now no *separate* or distinct existence from ours, and may be properly said to consist of our *whole* military establishment, with the exception only of our European infantry; and that they could not be withdrawn without imposing on the company *the additional burthen of them*, or disbanding nine battalions of disciplined sepoys, and three regiments of horse."

IX. That, in the minute of consultation aforesaid, he [the said Warren Hastings] hath further, in justification of the violent and arbitrary proceedings aforesaid, asserted, "that the arrangement of measures between the British government and their allies, the native powers of India, must, in case of disagreement about the necessity thereof, *be decided by the strongest;*" and hath thereby advanced a dangerous and most indecently expressed position, subversive of the rights of allies, and tending to breed war and confusion, instead of cordiality and coöperation amongst them, and to destroy all confidence of the princes of India in the faith and justice of the English nation; and the said Hastings having further, in the minute aforesaid, presumed to threaten to "bring to punishment, if my influence [his the said Hastings's influence] can produce that effect, *those incendiaries*, who

have endeavored to make themselves the instruments of division between us," hath, as far as in him lay, obstructed the performance of one of the most essential duties of a prince, engaged in an unequal alliance with a presiding state—that of representing the grievances of his subjects to that more powerful state, by whose acts they suffer; leaving thereby the governing power in total ignorance of the effects of its own measures, and to the oppressed people no other choice than the alternative of an unqualified submission, or a resistance productive of consequences more fatal.

X. That all relief being denied to the nabob, in the manner and on the grounds aforesaid, the demands of the company on the said nabob in the year following, that is to say, in the year 1780, did amount to the enormous sum of £1,400,000 sterling, and the distress of the province did rapidly increase.

XI. That the nabob, on the 24th of February, of the same year, did again write to the governor-general, the said Warren Hastings, a letter, in which he expressed his constant friendship to the company, and his submission and obedience to their orders; and asserting that he had not troubled them with any of his difficulties, trusting they would learn them from other quarters, and that he should be relieved by their friendship: "but (he says) when the *knife had penetrated to the bone*, and I was surrounded with such heavy distresses, that I could no longer live in expectations, I then wrote an account of my difficulties. The answer I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would have given your orders in *so afflicting a manner, in which you never before wrote, and I could never have imagined.* I have delivered up all my private papers to him [the resident], that, after examining my receipts and expenses, he may take whatever remains. That,

as I know it to be my duty to satisfy you [the company and council], I have not failed to obey in any instance; but requested of him that it might be done so as not to distress me in my *necessary* expenses. There being no other funds but those for the expenses of my mutseddies [clerks and accountants], household expenses, and servants, &c., he demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped *the pensions of my old servaats for thirty years, whether sepoys* [*soldiers*], *mutseddies* [*secretaries and accountants*], *or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.*"

XII. That, in answer to the letter aforesaid, the resident received from the said Warren Hastings and council an order to persevere in the demand to its fullest extent, that is to say, to the amount of £1,400,000 sterling.

XIII. That on the 15th of May the nabob replied, complaining in an humble and suppliant manner of his distressed situation, that he had at first opposed the assigning to the use of the company the estates of his mother, of his grandmother, of one of his uncles, and of the sons of another; but that, in obedience to the injunctions of the gentlemen of the council, it had been done, to the amount, on the whole, of £80,000 sterling a year, or thereabouts; that whatever effects were in the country, with even his table, his animals, and the salaries of his servants, were granted in assignments; that, besides these, if they were resolved again to compel him to give up the estates of his parents and relations, which were granted them for their maintenance, they were at the company's disposal: saying, "If the council have directed you to attach them, do it; in the country no further sources remain. I have no means; for I have not a subsistence. How long shall I dwell upon my misfortunes?"

XIV. That the truth of the said remonstrances was not disputed, nor the tone in which they were written complained of, the same being submissive, and even abject, though the cause (his distresses) was by the said Hastings in a great degree, and in terms the most offensive, attributed to the nabob himself; but no relief was given, and the same unwarrantable establishments, maintained at the same ruinous expense, were kept up.

XV. That the said Warren Hastings having considered as incendiaries those who advised the remonstrances aforesaid, and, to prevent the same in future, having denounced vengeance on those concerned therein, did, for the purpose of keeping in his own power all representations of the state of the court and country aforesaid, and to subject both the one and the other to his own arbitrary will, and to draw to himself and to his creatures the management of the nabob's revenues, in defiance of the orders of the court of directors, a second time recall Mr. Bristow, the company's resident, from the court of Oude; having once before recalled him, as the said directors express themselves, "without the shadow of a charge being exhibited against him;" and having, on the occasion and time now stated, produced no specific charge against the said resident; and he, the said Hastings, did appoint Nathaniel Middleton, Esq., to succeed him, it being his declared principle, that he must have a person of *his own* confidence in that situation.

XVI. That the said Warren Hastings, after he had refused all relief to the distresses of the nabob, in the manner aforesaid, and had described those who advised the representation of the grievances of Oude as *incendiaries*, did himself, in a minute of the 21st May, 1781, describe that province "as fallen into a state of great disorder and confusion, and its resources in an extraordinary degree diminished;" and did state, that his presence in the said province was re-

quested by the nabob; and that, unless some effectual measures were taken for his relief, he [the nabob] must be under the necessity of leaving his country, and coming down to Calcutta, to represent the situation of his government. And Mr. Wheler did declare, that the governor-general's representation of the state of that province "was but too well founded; and was convinced, that it would require his utmost abilities and powers, applied and exercised on the spot, to restore it to its former good order and affluence."

XVII. That the said Warren Hastings, in consequence of the minute aforesaid, did grant to himself, and did procure the consent of his only colleague, Edward Wheler, Esq., to a commission or delegation, with powers "to assist the nabob vizier in forming such regulations as may be necessary for the peace and good order of his government, the improvement of his revenue, and the adjustment of the mutual concerns subsisting between him and the company." And in the said commission or delegation, he, the said Warren Hastings, did cause to be inserted certain powers and provisions of a new and dangerous nature; (that is to say,) reciting the business before mentioned, he did convey to himself "such authority to enforce the same, *as the governor-general and council might or could exercise on occasions, in which they could be warranted to exercise the same;* and to form and conclude such several engagements or treaties with the nabob vizier, the government of Barar, and with any chiefs or powers of Hindostan, as *he* should judge expedient and necessary." Towards the conclusion of the act or instrument aforesaid are the words following; viz. "it is hereby declared, that all such acts, and all such engagements or treaties aforesaid, shall be binding on the governor-general and council in the same manner, *and as effectually as if they had been done and passed by the specific and immediate concurrence and actual junction of the governor-general and council, in council assembled.*" And the said powers were, by the

said Warren Hastings, given by himself and the said Wheler, under the seal of the company, on the 3d July, 1781.

XVIII. That the said commission, delegating to him, the said Warren Hastings, the whole functions of the council, is destructive to the constitution thereof; and is contrary to the company's standing orders; and is illegal.

XIX. That in virtue of those powers, and the illegal delegation aforesaid, the said Warren Hastings, after he had finished his business at Benares, did procure a meeting with the nabob of Oude, at a place called Chunar, upon the confines of the country of Benares, and did there enter into a treaty, or pretended treaty, with the said nabob; one part of which the said Warren Hastings did pretend was drawn up from a series of requisitions presented to him by the nabob, but which requisitions, or any copy thereof, or of any other material document relative thereto, he did not at the time transmit to the presidency; the said Warren Hastings informing Mr. Wheler that the resident, Middleton, had taken the *authentic* papers relative to this transaction with him to Lucknow; and it does not appear that the said Warren Hastings did ever reclaim the said papers in order to record them at the presidency, to be transmitted to the court of directors, as it was his duty to do.

XX. That the purport of certain articles of the said treaty on the part of the company was, that, in consideration of the nabob's *inability* (which inability the preamble of the treaty asserts to have been "repeatedly and urgently represented") to support the expenses of the temporary brigade, and of three regiments of cavalry, and also of the British officers, with their battalions, and of *other* gentlemen, who were then paid by him, the several corps aforesaid, and the other gentlemen (with the exception of the resident's office, *then on the nabob's list*, and a regiment of sepoys for

the resident's guard) should, after a term of two and a half months, be no longer at his [the nabob's] charge. "The true meaning of this being, that no more troops than one brigade, and the pay and allowances of a regiment of sepoys," (as aforesaid to the resident,) amounting in the whole to £342,000 a year, should be paid by the nabob. And that *no officers, troops, or others, should be put upon the nabob's establishment*, exclusive of those in the said treaty stipulated.

XXI. That the said Warren Hastings did defend and justify the said articles, in which the troops aforesaid were to be removed from the nabob's establishment, by declaring as follows: "that the *actual* disbursements to those troops had fallen upon *our own funds*, and that *we* support a body of troops, established *solely* for the defence of the nabob's possessions, *at our own expense*. It is true, we charge the nabob with this expense; but the large balance already due from him shows too justly the little prospect there was of disengaging ourselves *from a burthen*, which was daily adding to *our* distresses, and must soon become *insupportable*, although it were granted that the nabob's debt, then suffered to accumulate, *might at some future period be liquidated;* and that this measure would substantially effect an instant relief to the pecuniary distresses of the company."

XXII. That Nathaniel Middleton, the resident, did also declare, that he would at all times testify, "that upon the plan of the foregoing years the receipts from the nabob were only a *deception*, and *not an advantage*, but *an injury* to the company;" and "that a remission to the nabob of this *insufferable burthen* was a *profit* to the company." And the said Hastings did assert, that the force of the company was not lessened by withdrawing the temporary troops; although (when it suited the purpose of the said Hastings, in denying just relief to the distresses of the said nabob of Oude)

he had not scrupled to assert the direct contrary of the positions by him maintained in justification of the treaty of Chunar, having in his minute aforesaid, of the 15th of December, 1779, asserted, "that these troops" [the troops maintained by the nabob of Oude] "had no *separate or distinct existence*, and may be properly said to consist of our whole military establishment, with the exception only of our European infantry; and that they could not be *withdrawn, without imposing on the company the additional burthen of their expense*, or disbanding nine battalions of disciplined sepoys, and three regiments of horse."

XXIII. That he, the said Warren Hastings, in justification of his agreement to withdraw the troops aforesaid from the territories and pay of the nabob of Oude, did further declare, "that he had been too much accustomed to the tales of hostile preparation, and impending invasions, against all the evidence of political probability, to regard them as any other than phantoms, raised for the purpose of perpetuating or multiplying commands;" and he did trust "all ideas of danger from the neighboring powers were altogether visionary; and that, even if they had been better founded, this mode of anticipating possible evils would be more mischievous than any thing they had reason to apprehend," and that the internal state of the nabob's dominions did not require the continuance of the said troops; and that the nabob, "*whose concern it was, and not ours*," did affirm the same, notwithstanding he the said Hastings had before, in answer to the humble supplications of the nabob, asserted, that "*it was our part, and not his*, to judge and determine in what manner, and at what time, they should be reduced or withdrawn."

XXIV. That the said Warren Hastings, in support of his measure of withdrawing the said brigade, and other troops, did also represent, that "the remote stations of those

troops, placing the commanding officers beyond the notice and control of the board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the *contagion of peculation and rapacity throughout the whole army;* and as an instance thereof, that a court martial, composed of officers of rank and respectable characters, unanimously and honorably, 'most honorably' acquitted an officer upon an acknowledged fact, which in times of stricter discipline would have been deemed a crime deserving the severest punishment."

XXV. That the said Warren Hastings having, in the letter aforesaid, contradicted all the grounds and reasons by him assigned for keeping up the aforesaid establishment, and having declared his own conviction, that the whole was a fallacy and imposition, and a detriment to the company instead of a benefit, circumstances, (if they are true,) which he might and ought to have well known, was guilty of a high crime and misdemeanor in carrying on the imposture and delusion aforesaid, and in continuing an insupportable burthen and grievance upon the nabob for several years, without attending to his repeated supplications to be relieved therefrom, to the utter ruin of his country, and to the destruction of the discipline of the British troops, by diffusing among them a general spirit of peculation; and the said Hastings hath committed a grievous offence in upholding the same pernicious system, until by his own confession and declaration, in his minute of the 21st of May, 1781, "the evils had *grown* to so great an height, that exertions will be required more powerful than can be made through the delegated authority of the servants of the company now in the province; and that he was far from sanguine in his expectations, that *even his own endeavors would be attended with much success.*"

XXVI. That, at the time of making the said treaty, and

at the time when, under color of the distress of the nabob of Oude, and the failure of all other means for his relief, he the said Hastings broke the company's faith with the parents of the nabob, and first encouraged, and afterwards compelled, him to despoil them of their landed estates, money, jewels, and household goods, and while the said nabob continued heavily in debt to the company, he, the said Warren Hastings, did, "*without hesitation*," accept of and receive from the nabob of Oude, and his ministers, (who are notoriously known to be not only under his influence, but under his absolute command,) a bribe, or unlawful gift or present, of £100,000 sterling, and upwards: that, even if the said pretended gift could be supposed to be voluntary, it was contrary to the express provision of the regulating act of the 13th year of his majesty's reign, prohibiting the receipt of all presents upon any pretence whatsoever, and contrary to his own sense of the true intent and meaning of the said act, declared upon a similar, but not so strong a case; that is, where the service done, and the present offered in return for it, had taken place before the promulgation of the above laws in India; on that occasion he declared, "that the exclusion by an act of parliament *admitted of no abatement or evasion*, wherever its authority extended."

XXVII. That the said Warren Hastings, confiding in an interest, which he supposed himself to have formed in the East-India House, did endeavor to prevail on the court of directors to violate the said act, and to suffer him to appropriate the money so illegally accepted by him to his own profit, as a reward for his services.

XXVIII. That the said Warren Hastings has since declared to the court of directors, that, when *fortune* threw *a sum in his way* (meaning the sum of money above mentioned) *of a magnitude which could not be concealed, he chose to apprize his employers of it;* thereby confessing,

that, but for the magnitude of the same rendering it difficult to be concealed, he never would have discovered it to them. And the said unlawful present being received at the time when, for reasons directly contradictory to all his former recorded declarations, he did agree to remove the aforesaid troops from the nabob's dominions, and to recall the pensioners aforesaid, it must be presumed that he did not agree. to give the relief (which he had before so obstinately refused) upon the grounds and motives of justice, policy, or humanity, but in consideration of the sum of money aforesaid, which in a time of such extreme distress in the nabob's affairs could not be rationally given, except for those and other concessions stipulated for in the said treaty, but which had on former occasions been refused.

XXIX. That, notwithstanding his, the said Warren Hastings's, receipt of the present of £100,000 as aforesaid, he did violate every one of the stipulations in the said treaty contained; and particularly he did continue in the country, and in the service of the nabob of Oude, those troops, which he had so recently stipulated to withdraw from his country and to take from his establishment; for, upon the 24th of December following, he did order the temporary brigade, making ten battalions of five hundred men each, to be again put on the vizier's list; although he had recently informed the court of directors, through Edward Wheler, Esq., that any benefit to be derived from the nabob's paying that brigade was a *fallacy and a deception*, and that the same was a *charge* upon the company, and not an *alleviation of its distresses*, as well as an *insupportable burthen* to the nabob: thus having, within a short space of time, twice contradicted himself, both in declaration and in conduct.

XXX. That this measure, in direct violation of a treaty of not three months' duration, was so injudicious, that, in the opinion of the assistant resident, Johnson, "nothing less than

blows could effect it:" he the said resident further adding, "that the nabob was not even able to pay off the arrears still due to it [the new brigade]; and that the troops being *all* in arrears, and no possibility of present payment, so large a body assembled here [viz. at Lucknow] without any means to check and control them, nothing but disorder could follow. As one proof that the nabob is as badly off for funds as we are, I may inform you, that his cavalry rose this day upon him, and went all armed to the palace, to demand from thirteen to eighteen months' arrears, and were with great difficulty persuaded to retire, which was probably more effected by a body of troops getting under arms to go against them, than any other consideration." But the letter of Warren Hastings, Esq., of the 24th of December, giving the above orders for the infraction of the treaty, and to which the letter, from whence the foregoing extracts are taken, is an answer, doth not appear, any otherwise than as the same is recited in the said answer.

XXXI. That, notwithstanding the disorders and deficiencies in the revenue aforesaid had continued and increased, and that three very large balances had accumulated, the said Warren Hastings did cause the treasury accounts at Calcutta to be examined and scrutinized, and an account of another arrear, composed of various articles, pretended to have accumulated during seven years previous to the year 1797, (the articles composing which, if they had been just, ought to have been charged at the times they severally became due,) was sent to the resident, and payment thereof demanded, to the amount of £260,000 sterling; which unexpected demand, in so distressed a situation, did not a little embarrass the nabob. But whilst he and his ministers were examining into the said unexpected demand, another and fifth balance made up of similar forgotten articles, was demanded, to the amount of £140,000 sterling more. Which said two last demands did so terrify and confound the nabob and his min-

isters, that they declared that the resident "might at once take the country, since justice was out of the question."

XXXII. That the said Hastings, in order to add to the confusion, perplexity, and distress of the nabob's affairs, did send to his court (in which he had already a resident and an assistant resident) two secret agents, Major Palmer and Major Davy, and did instruct Major Palmer to make a variety of new claims, one of a loan to the company of £600,000 sterling, although he well knew the nabob was himself heavily in arrear to the company, and was utterly unable to discharge the same, as well as in arrear to his own troops, and to many individuals, and that he borrowed (when he could at all borrow) at an interest of near thirty per cent. To this demand was added a new bribe, or unlawful present to himself, to the amount of £100,000 sterling, which he did not refuse as unlawful, and of evil example, but as *indelicate* in the nabob's present situation; and did, as if the same was his own property, presume to dispose of it and to desire the transfer of it, as of his own bounty, to the company his masters. To this second demand he the said Hastings added a third demand of £120,000 sterling, for four additional regiments on the nabob's list, after he had solemnly engaged to take off the ten, with which it had been burthened; the whole of the claims, through his private agent aforesaid, making the sum of £820,000 sterling.

XXXIII. That the demands, claims, &c., made by the said Warren Hastings upon the government of Oude, in that year, amounted to the enormous sum of £2,530,000 sterling, and being joined to the arrears to troops, and some internal failures, amounting to £255,000 sterling more, the whole charge arose to £2,785,000 sterling; which was considerably more than double the net produce of the nabob's revenue, the same only amounting to £1,450,000 "nominal revenue, never completely realized."

XXXIV. That, towards providing for these extravagant demands, he, the said Warren Hastings, did direct and authorize another breach of the public faith, given in the treaty of Chunar. For whereas, by the second article of the treaty aforesaid, it was left to the nabob's discretion, whether or not he should resume the landed estates, called jaghires, within his dominions; and notwithstanding the said Hastings, in defence of the said article, did declare that the nabob should be left to the exercise of his own authority and pleasure respecting them, yet he, the said Hastings, did authorize a violent compulsion to be used toward the said nabob for accomplishing an universal confiscation of that species of landed property; and in so doing he did also compel the nabob to break his faith with all the landholders of that description, not only in violating the assurance of his own original grants, but his assurance recently given, when, being pressed by the company, he [the nabob] had made a temporary seizure of the profits of the lands aforesaid, in the manner of a compulsory loan, for the repayment of which he gave his bonds and obligations; and although he had at the same time solemnly pledged his faith that he never would again resort to the like oppressive measure, yet he, the said Warren Hastings, did cause him to be compelled to confiscate the estates of at least sixty-seven of the principal persons of his country, comprehending therein his own nearest relations, and the ancient friends and dependants of his family; the annual value of the said estates thus confiscated amounting to £435,000 sterling, or thereabouts, upon an old valuation, but stated by the resident Middleton as being found to yield considerably more.

XXXV. That the violent and unjust measure aforesaid, subversive of property, utterly destructive of several ancient and considerable families, and most dishonorable to the British government, did produce an universal discontent, and the greatest confusion throughout the whole country; the said

confiscated lands being on this occasion put to rack-rents, and the people grievously oppressed. And to prevent a possibility of redress, at least for a considerable time, the said confiscated estates were mortgaged (it appearing otherwise impracticable to make an approach towards satisfying the exorbitant demands of the said Hastings) for a great sum to certain usurious bankers, or money-dealers, at Benares.

XXXVI. That, besides these enormous demands, which were in part made for the support of several corps of troops under British officers, which, by the treaty of Chunar, ought to have been removed, very large extra charges, not belonging to the military list of the said nabob, and several civil charges and pensions were continued, and others newly put on, since the treaty of Chunar; namely, an allowance to Sir Eyre Coote of 15,554 rupees per month, (being upwards of £18,664 sterling a year,) and an allowance to Trevor Wheler, Esq., of 5,000 rupees per month, (or £6,000 sterling, and upwards, a year,) and the whole of the settled charges, not of a military nature, to British subjects, amounting to little less than £140,000 yearly; and if other allowances, not included in the estimate, were added, they would greatly exceed that sum, besides much more, which may justly be suspected to have been paid, no part whereof had at that time been brought forward to any public account.

XXXVII. That the commander of one of these corps, of whose burthen the said nabob did complain, was Lieutenant-Colonel Alexander Hannay, who did farm the revenues of certain districts, called Baraitch and Gorachpore, which the said Hastings, in the ninth article of his instructions to Mr. Bristow, did estimate at twenty-three lacks of rupees, or £230,000 per annum; but under his, the said Hannay's, management, the collections did very greatly decline; complaints were made that the countries aforesaid were harassed and oppressed, and the same did fall into confusion, and at last the inhabitants broke out into a general rebellion.

XXXVIII. That the far greater part of the said heavy list was authorized or ordered by him, the said Warren Hastings, for the purpose of extending his own corrupt influence. For it doth appear that, at the time when he did pretend, in conformity to the treaty of Chunar aforesaid, to remove the company's servants, "*civil* and military, from the court and service of the vizier," he did assert that he thereby did "diminish his *own influence*, as well as that of his colleagues, by narrowing the line of *patronage;*" which proves that the offices, pensions, and other emoluments aforesaid, in Oude, were of *his* patronage, as his patronage could not be diminished by taking away the said offices, &c., unless the same had been substantially of his gift; and he did, at the time of the pretended reformation aforesaid, express both his knowledge of the existence of the said excessive and abusive establishments, and his sense of his duty in taking them away; for, in agreeing to the article in the treaty of Chunar for abolishing the said establishments, he did declare himself "actuated solely by motives of *justice* to the nabob, and a regard to the *honor of our national character;*" and, according to his own representation, the said servants of the company, civil and military, "by their numbers, their influence, and the *enormous amount* of their salaries, pensions, and emoluments, were an *intolerable* burthen on the revenues and authority of the vizier; and exposed us to the *envy and resentment of the whole country*, by excluding the native servants and adherents of the vizier from the rewards of their services and attachments."

XXXIX. That the revenue of the country being anticipated, mortgaged, and dilapidated by the counsel, concurrence, connivance, and influence, and often by the direct order, of the said Warren Hastings, the whole civil government, magistracy, and administration of justice, gradually declined, and at length totally ceased through the whole of the vast provinces which compose the territory of Oude; and

no power was visible therein, but that of the farmers of the revenue, attended by bodies of troops to enforce the collections, insomuch that robberies, assassinations, and acts of every description of outrage and violence, were perpetrated with impunity; and even in the capital city of Lucknow, the seat of the sovereign power, there was no court of justice whatever to take cognizance of such offences.

XL. That the said Warren Hastings, when he did interfere in the government of Oude, was obliged by his duty to interfere for the good purposes of government, and not merely for the purpose of extorting money therefrom, and enriching his own dependants; which latter purpose alone he did effect in the manner before mentioned, but not one of the former. For the said Hastings, having procured the extraordinary powers given by and to himself by his delegation of the 3d of July, 1781, did declare the same to be for the purpose, among many others, "of assisting the nabob vizier in forming such regulations as may be necessary for the peace and good order of his government and the improvement of his revenue." And, in consequence of the said powers, the said Warren Hastings did, in the treaty of Chunar, obtain an article from the nabob, by which the said nabob did promise to attend to his advice in the reformation of his civil administration, and did give certain instructions to the resident, Middleton, to which he did require him to yield *the most implicit obedience;* and did in one article thereof direct him to urge the nabob to endeavor gradually, if it could not be done at once, to establish courts of adawlet [justice], and that the darogas [chief criminal magistrates], moulabies [consulting or assistant lawyers], and other officers, should be selected by the ministers with his, the resident's, concurrence: and afterwards, in his instructions to the resident Bristow, desiring him to pursue the same object, he declared his opinion "that the want of such courts, and the extreme licentiousness occasioned thereby, is one of the most disreputable defects in his

highness the nabob's government. And that, while they do not exist, every man knows the hazard which he incurs in lending his money." But he did give him, the said resident, no positive instruction concerning the same, supposing the establishment of such courts a matter of difficulty; and did therefore leave him a latitude in his proceedings therein.

XLI. That the said resident Bristow did, however, in conformity to the said instructions, at last given with such latitude, endeavor to prevail on the said minister gradually to introduce courts of justice for the cognizance of crimes, by beginning to establish a criminal court under a native judge, to judge according to the Mahomedan law in the city of Lucknow. But Hyder Beg Khân, a minister of the said Warren Hastings's nomination, and solely dependent upon him, did elude and obstruct, and in the end totally defeat, the establishment of the same.

XLII. That the obstruction aforesaid, and the evil consequences thereof, were duly represented to the said Hastings; and though the said Hastings had made it the fourth article of a criminal charge against the resident Middleton, "that he did not report to the governor-general, or to the board, the progress which he had made from time to time in his endeavors to comply with his instructions; and that, if he met with any impediments in the execution of them, he had omitted to state those impediments, and to apply for fresh orders upon them;" yet he, the said Hastings, did give no manner of support to the resident Bristow against the said Hyder Beg Khân, and did not even answer several of his letters, the said Bristow's letters, stating the said impediments, or take any notice of his remonstrances; but did at length revoke his own instructions, declaring that he, the said resident, should not presume to act upon the same; and yet did not furnish him with any others, upon which he might act, but did uphold the said Hyder Beg Khân in the

obstruction by him given to the performance of the first and fundamental duty of all government; namely, the administration of justice, and the protection of the lives and property of the subject against wrong and violence.

XLIII. That the said Hastings did afterwards proceed to the length of criminating the resident Bristow aforesaid for his endeavors to establish the said necessary court, as an invasion of the rights of the nabob's government; when, if the nabob in his own proper person and character, and not the aforesaid Hyder Beg, (who was a creature of the said Hastings,) had opposed the reëstablishment of justice in the said country, it was the duty of the said Hastings to have pressed the same upon him by every exertion of his influence. And the said Warren Hastings, in his pretended attention to the nabob's authority, when exercised by his, the said Hastings's, minister to prevent the establishment of courts of justice for the protection of life and property, at the same time that he did not hesitate, in the case of the confiscation of the jaghires, and the proceedings against the mother and grandmother of the nabob, totally to supersede his authority, and to force his inclinations in acts which overturned all the laws of property, and offered violence to all the sentiments of natural affection and duty; and accusing, at the same time, his instruments, for not going to the utmost lengths in the execution of his said orders, is guilty of an high crime and misdemeanor.

XLIV. That the said Hastings did highly aggravate his offence in discountenancing and discouraging the reëstablishment of magistracy, law, and order, in the country of Oude, inasmuch as he did, in the eighth article of his instructions to the resident, order him to exercise powers, which ought to have been exercised by lawful magistrates, and in a manner agreeable to law. And in the said article he did state the prevalence of rebellion in the said country of Oude, as if

rebellion could exist in a country in which there was no magistracy, and no protection for life or property, and in which the native authority had no force whatever; and in which he himself states the exercise of British authority to be an absolute usurpation: and he did accordingly direct a rigorous prosecution against the offence of rebellion under such circumstances, but "with a fair and impartial inquiry," when he did not permit the establishment of those courts of justice and magistracy, by which alone rebellion could be prevented, or a fair and impartial inquiry relative to the same could be had. And particularly he did instruct the said resident to obtain the nabob's order for employing some sure means for apprehending certain zemindars, and particularly three, in the instruction named, whom he, the said Hastings, did cause to be apprehended upon what he calls good information, founded upon some facts, to which he asserts he has the testimony of several witnesses, "that they had the destruction of Colonel Hannay and the officers under his command as their immediate object, and ultimately the extirpation of the English influence and power throughout all the nabob's dominions;" and that they did still persevere in their rebellious conduct without deviation, "though the nabob's, and not our government, was then the object of it." And he did direct the said resident, if it should appear, "*on a fair and regular inquiry*, that their conduct towards the nabob had been such as it had been reported to be, to insist upon the nabob's punishing them with *death;* and to treat with the same rigor every zemindar and every subject who shall be the leader in a rebellion against his authority."

XLV. That the crime of the said Hastings, in his procedure aforesaid, was further highly aggravated by his having received information of several striking circumstances, which strongly indicated the necessity of a regular magistracy and a legal judicature, from the total failure of justice, affecting not only the subjects at large, but even the reigning family

itself; as also of the causes why no legal magistracy could exist, and why the princes of the reigning family were not only exposed to the attacks of assassins, but even to a want of the protection which might be had from their servants and attendants, who were driven from their masters for want of that maintenance which the princes their masters could not procure even for themselves. And the circumstances aforesaid were detailed to him, the said Hastings, by the resident Bristow, in a letter from Lucknow, dated the 29th January, 1784, to the governor-general, the said Warren Hastings, and the council of Bengal, in the terms following:

"The frequent robberies and murders, perpetrated in his excellency's, the vizier's, dominions, have been too often the subject of my representations to your honorable board. From the total want of police, hardly a day elapses but I am informed of some tragical event, whereof the bare recital is shocking to humanity. About two months since an attempt was made to assassinate Rajah Ticket Roy, the acting minister's confidential agent; but he happily escaped unhurt. Nabob Behadre, *his highness's brother*, has not been so fortunate, as will appear from translations of two of his letters to me, No. 1, which I have the honor to inclose for your information. Although my feelings are sensibly hurt, and my compassion strongly excited, by *the disgraceful and miserable state of poverty, to which his excellency's brothers are reduced*, yet, situated as I am, it is not in my power to interfere with effect. My efforts on a former occasion failed of success, *and my interposition now would only excite the resentment f the minister towards the unhappy sufferers, in consequence of their application to me, from whom* ALONE, *however, they hope for relief from their present distress*, which, their near connection with the vizier considered, is both shameful and unprecedented. That no regular courts of justice have been established in this country is particularly pointed at in my instructions, as the most disreputable defect in his highness's government: yet the minister seems deter-

mined on abolishing even the shadow of so necessary an institution. The office of chief justice, as held by Molovy Morobine, was ever nugatory, but now it is sunk into the lowest contempt. The original establishment, inadequate as it was, is mouldering away, and the officers now attached to it are literally starving, as no part of their allowance has been paid for above six months past. He himself has proposed to resign his appointment, being every way precluded from a possibility of exercising the duties of it."

XLVI. That it appears by the said letter, and the papers therewith transmitted, as well as other documents in the said correspondence, that, in consequence of the distress brought upon the nabob's finances, certain of the princes, his brethren, the children of Shuja ul Dowla, the late sovereign of the country, were put upon pensions unsuitable to their birth and rank, and, by the mismanagement of the minister aforesaid, (appointed by the said Warren Hastings,) for two years together no considerable part of the said inadequate pension was paid; and, not being able to maintain the attendants necessary for their protection in a city in which all magistracy and justice was abolished, they were not only liable to suffer the greatest extremities of penury, but their lives were exposed to the attempts of assassins. The condition of one of the said princes, called the Nabob Bahadur, is by himself strongly expressed in three letters to the said resident Bristow; the first dated the 28th of December, 1783; the second, the 7th of January, 1784; and the third, the 15th of January, 1784, which letters were duly transmitted in the despatch of the 29th of the same month to Warren Hastings, Esq., and are as follow:

"Your own servant carried you the account of what he himself was an eye-witness to, after the affair of last night. These are the particulars:—about midnight my aunt received twelve wounds from a ruffian, of which she died. I also received six successive stabs, which alarmed the people of the

house, who set up a shouting; whereupon the assassin run off. Besides being *without food, or the means of providing any*, this misfortune has befallen me. *I am desirous of sending the coffin to your door.* It is your duty, both for the sake of God and of Christ, to execute justice, and to inquire what harm I have done to the murderer sufficient to deserve assassination, or even injury. *You now stand in the place of his excellency the vizier.* I request you will do me justice. What more can I say?

"P. S. I am also desirous to show you my wounds."

From the same, 29th January, 1784.

"You have been duly informed of all the circumstances relative both to the murder of the innocent, and of my being wounded, as well by my former letter as by the messenger whom you sent to inquire into the state of my health; and I have every reason to hope, from your known kindness, that you will not be deficient in seeking out the assassin. *I am at this moment overwhelmed in misfortune. Whilst the blood is flowing from my wounds, neither I, nor my children, nor my servants, have wherewithal to procure subsistence;* nor have I it in my power either to purchase remedies, or to reward the physician: *'t is for the sake of God alone, that he attends me.* Thus loaded with calamity upon calamity, I am unable to support life, for I find no relief from any affliction either day or night. Do you now stand in the place of my father; grant me fresh life by speedy acts of benevolence.

"For these two last years his excellency established a pension for me of 20,000 rupees; but I never received the full amount of it, either last year or the year before. Should it, however, be paid me, though inadequate to my desires, I shall still be enabled to support myself. From the beginning of this year to the present time I have not received a farthing, nor do I expect any, though, if you afford protection to the oppressed, all my wishes will be accomplished. I was de-

sirous of waiting on you with my family, that you might be an eye-witness to their condition; but I was advised not to stir out on account of my wounds. What more can I say?"

The following extracts are made from the third letter from the same prince; dated January 15th, 1784.

"The particulars of the late and unforeseen misfortune, with which I have been overwhelmed, are not unknown unto you; that the innocent blood of my aunt, *the prop and ruler of my family*, was shed, and in the same manner I, too, was wounded. Until now I feel the pain and affliction of my wounds; and *no person has regarded my solicitations for redress, sought after the assassin, and brought him to condign punishment, yourself excepted.*" "In like manner, as the honorable governor-general has adopted my brother Saädut Ally Cawn for his son, and relieved him from the vexation, affliction, and dependence of this place, would it be extraordinary that you also should, in your bounty and favor, consent to adopt me, who do not possess the necessaries of life, and permit me to attend you to whatever part of the world you may travel, whereby I shall at all times derive honor and advantage? Formerly, us three brothers, Saädut Ally, Myrza Jungly, and I, the poor and oppressed, were, in the presence of our blessed father, whose soul rests in heaven, treated alike. Now the ministers of this government put me upon a footing with our younger brothers, who have lately left the zezana, and whose expenses are small. On this scale, which is in every respect insufficient for my maintenance, they pay *the pitiful allowance only when it is their pleasure to do it.* My situation has for years past been increasing in wretchedness to a degree that *I am in want of daily bread, and my servants and animals are dying of hunger. My distresses are so great that I have not been able to pay a daum to the surgeons for the cure of my wounds; and they, too, are discouraged from affording me their assistance, or furnishing me with medicines.* How,

then, is it possible for me to exist? Considering you as my patron, participating in my afflictions, I have represented the circumstances concerning my situation; and I hope from your friendship that you will honor me with a favorable answer."

XLVII. The resident Bristow did also receive a strong application from three others of the brethren of the reigning sovereign, called Mirza Hyder Ali, Mirza Ennayut Ali, and Mirza Syef Ali, representing their very pitiable case, in a letter of the 9th of March, 1783, in which, among other particulars, are contained the following:

"Our situation is not fit to be represented. *For two years we have not received a hubba* on account of our tuncaw [assignment on the revenue], though the ministers have annually charged a lack of rupees, and never paid us any thing. *After all, we are the sons of Shuja ul Dowla!* It is surprising, having such a friend as you, our situation is arrived at that pass, that we should be in distress for *dry bread and clothes.* Whereas you have done many generous acts, be pleased so to show us your favor, that by some means we may receive our allowances from the company's treasury, and not be obliged to depend upon and solicit others for it.

XLVIII. That one of the princes aforesaid, called the Mirza Jungly, about the beginning of the year 1783, was obliged to fly from the dominions of the nabob of Oude, and to leave his country and connections; and as the resident Bristow, writing from Lucknow, hath observed, "he went to try his fortune at other courts, in preference to starving at home, which might have been his fate by all accounts at this place." And the said prince sought for succor at the court of one of the neighboring Mahomedan princes; but conceiving some disgust at the treatment he met with there, he departed from thence, and on the 8th of February, 1783, arrived at the Mahratta camp, while David Anderson, Esq., was there in the character of minister plenipotentiary to the

company, with a view, if his reception there should not prove answerable to his wishes, to pass on to the southward. And the said Anderson, probably considering this event as of very great importance to the honor of the British government, as well as to its interests, on the one hand, by exhibiting the son and brother of a sovereign prince, from whom the company had received many millions of money, a fugitive from his country, and a wanderer for bread through the courts of India; and on the other the consequences, which might arise from the Mahrattas having in their possession, and under their influence, a son of the late nabob of Oude, did without delay advise Warren Hastings, Esq., of the event aforesaid; and he did also write to Mr. Bristow, the resident at the court of the nabob vizier, several letters of the 9th and 20th of February, and of the 6th of March, and 6th of April, 1783, in order that some steps should be taken for his return, and establishment in his own country. And the said Anderson did inform the resident Bristow, in his letter aforesaid, that on the arrival of the fugitive prince, brother of the reigning sovereign of Oude, at the Mahratta camp, he did cause his tent to be pitched close to that of Mr. Anderson; but finding this not agreeable to the Mahratta general, Scindia, he afterwards removed: and that he showed a strong attachment to the English, and was inclined to throw himself upon their generosity; that he was desirous of going to Calcutta, and declared, that if he, the said Anderson, "would give him the smallest encouragement, he would quit all his followers, and come alone, and would take up his residence under his protection." And the said Anderson did declare, that he thought it "would be policy, and much to the credit of our government, that some provision should be made for Mirza Jungly in our territories."

XLIX. That the said Bristow did represent the aforesaid circumstances to Hyder Beg Cawn, minister to the nabob of Oude, declaring it his opinion, "that his highness's brothers

thus taking refuge with a foreign prince is a reflection upon the vizier, and it would be advisable, that an allowance should be granted to him upon the footing of his brothers, that he might remain in the presence." But the nabob was induced to refuse to his brother any offer of any allowance beyond the £200 per month, allowed, but not paid, to his other brothers; and which the said prince did observe to Mr. Anderson, "that it was not only inadequate to his expenses, but infinitely less (as the truth was) than what his excellency has settled on many persons of inferior rank, who have not so good a claim to his support: and that it would not be sufficient to enable him to live at Lucknow, where all his friends and relations were, and so many of his inferiors lived in a state of affluence." In case, therefore, it could not be increased, he requested leave to live in the company's provinces, or at Calcutta, for that in any of these situations "he could with less difficulty regulate his expenses." And he did declare, that, if his request was granted to him, he would immediately quit all his prospects with Scindia. To these propositions he received a very discouraging answer from his brother's minister, containing a positive and final refusal of any increase of allowance, obtaining only the nabob's permission to retire into the company's provinces: but Mr. Anderson did not think himself authorized to take any steps for the prince's retreat into the said provinces without Scindia's concurrence, who, he observed, would use every art to detain him; and accordingly did offer him the command of a battalion of infantry to be paid directly from his own treasury, and £6,000 sterling a year for keeping up a corps of horse, and to settle upon him a landed estate of £4,000 a year as a provision for his wife and children; which honorable offers it appears he did accept, and did and doth remain in the Mahratta service.

L. That during the whole course of this transaction the said Warren Hastings was duly advised thereof, first by a

very early letter from the said Anderson, and afterwards by the resident Bristow, who, on the 23d of April, 1783, transmitted to him his whole correspondence with Mr. Anderson. But what answer or instructions the said Warren Hastings did give to Mr. Anderson does not appear, he not having recorded any thing upon that subject. But it appears, that to the resident Bristow, who required to be informed whether the reception of the fugitive prince aforesaid in the company's provinces would meet his approbation, he gave no answer whatsoever; by which criminal neglect, or worse, with regard to a brother of an ally of the company, who showed a strong attachment and preference to the English nation, and by suffering him, without any known effort to prevent it to attach himself to the cause and fortunes of the Mahrattas, who, he the said Hastings well knew, did keep up claims upon several parts of the dominions of Oude, and had with difficulty been persuaded to include the nabob in the treaty of peace, he, having suffered him first to languish at home in poverty, and then to fly abroad for subsistence, and afterwards taking no step, and countenancing no negotiations for his return from his dangerous place of refuge, at the same time that several of his the said Hastings's creatures had each of them allowances much more considerable than would have sufficed for the satisfaction and comfort of him the said fugitive prince—was guilty of a high crime and misdemeanor.

LI. That the indigent condition before related of the other brothers of the nabob was also duly transmitted to the said Warren Hastings, but he did never order or direct any steps whatsoever to be taken towards the relief of the family of a reigning prince, who were daily in danger of perishing by famine through the effect of his measures, and those of a person, whom he supported in power against the will and inclination of the said prince and his family.

LII. That the foregoing instances of the penury, distress, dispersion, and exile of the reigning family, as well as the general disorder in all the affairs of Oude, did strongly enforce the necessity of a proper use of the British influence (the only real government then existing) in the province aforesaid for a regulation of the economy of the vizier's court, as well as for the proper administration of the public concerns, civil and military, which were in the greatest disorder; and the said Warren Hastings was under obligation to provide for the same, and did himself understand it to be his duty so to do; and that he was therein warranted by the spirit of the treaty of Chunar, as well as by other universal powers of control, and even of supercession, supposed by him to exist in the relation between the British government and that of Oude, and accordingly he did, in his instructions to the resident Middleton, to which he required his most implicit obedience, direct him to an interference in and control upon all the affairs concerning the revenues, the military arrangements, and all the other branches of the nabob's government.

LIII. That, upon his recall of the said Middleton, he, in his instructions to the resident Bristow, dated 23d of October, 1781, did at large set forth the situation of the court and government of Oude, the situation and character of the nabob, of the acting minister, and of the British resident, at that court; and did plainly, distinctly, and without reserve, describe the extent of the authority to be exercised by the last of these persons, as well as the unqualified compliance to be expected from the two former. And he did accordingly declare that, "*from the nature of our connection with the government of Oude*, and from the nabob's incapacity, *a necessity will for ever exist*, while we have the claim of a subsidy upon the resources of his country, of exercising an influence, and frequently substituting it *ENTIRELY, in the place of an avowed and constitutional authority in the*

administration of his (the nabob's) government;"-and he did further in the said instructions, namely, in instruction the fourth, direct the said resident in the words following: "I must have recourse to you for the introduction of a *new* system in that government; nor can I omit, whilst I express my reliance on you for that purpose, to repeat the sentiments, which I expressed in the verbal instructions, which I gave at your departure, *that there can be no medium in the relation between the resident and the minister, but either the resident must be the slave and vassal of the mniister, or the minister at the absolute disposal of the resident.*" And he the said Hastings did state, in the same article of the instructions aforesaid, that, though the conduct of the said Hyder Beg Khân had been highly reprehensible, and that he was much displeased thereat, he would prefer him to any other, on account of his ability and knowledge of business, with the following proviso, "if he would submit to hold his office on such conditions as I require. He exists by his dependence on the influence of our government. It must be advisable to try him by the mode of conciliation; at the same time that in your *final conversation with him* it will be necessary to declare to him, in the *plainest terms*, the footing and condition, on which he should be *permitted* to retain his place; with the alternative of a dismission, and a scrutiny into his conduct, if he refuses it. In the first place, I will not receive from the nabob, *as his*, letters dictated by the *spirit of opposition;* but shall consider every such attempt *as an insult on our government.* In the second place, I shall expect, that *nothing* is done in his official character but with your knowledge and participation."

LIV. That the said Hastings having described, in the manner aforesaid, the relative situation of the resident and minister, he did state also the relative situation of the said minister and his master the nabob, declaring, "that the minister did hold *without control* the unparticipated and entire

administration, with all the powers annexed to that government; the *nabob being, as he ever must be in the hands of some person, a mere cipher in his*" [the minister's]. And having thus stated the subordination of the minister to the resident, and the subordination of the nabob to the minister, he did naturally declare, "that the first share of the responsibility would rest upon the said resident." And he did further declare, "that the other conditions did follow distinctly in their places, because he did *consider the resident as responsible for them.*"

LV. That for the direction of the resident in the exercise of so critical a trust, wherein all the true and substantial powers of government were in an inverted relation and proportion to the official and ostensible authorities, and in which the said Hastings did suppose the necessity constantly existing for exercising an influence, and frequently for substituting *entirely* the British authority "in the place of the avowed and constitutional government," he, the said Hastings, did properly leave to the resident a discretionary power for his deviation from any part of his instructions; interposing a caution for his security and direction, that, as much as he could, he would leave the subject free for his (the said Hastings's) correction of it; and would instantly inform him, or the board, according to the degree of its importance, with his reasons for it.

LVI. That besides the institution of courts of justice, as before recited, four other principal objects in the reformation of the affairs of Oude were expressly recommended to the residents Middleton and Bristow, and must be understood to be the conditions, upon which the said Hastings must have meant to have it understood, that the acting minister of Oude was to hold his employment, namely, the limitation of the nabob's personal expenses; the reduction of the nabob's troops in number, and the change in arrange-

ment; the appointment of proper collectors for the revenues; and the appointment of proper officers for all parts of the executive administration.

LVII. That the first object, namely, that of the limitation of the nabob's personal expenses, and separating them from the public establishments, he the said Hastings did state as the first and fundamental part of his regulation, and that, upon which all the others would depend; and did declare "that, in order to prevent the vizier's alliance from being a clog instead of an aid to the company, *the most essential* part is to *limit* and *separate* his personal disbursements from the public accounts: *they must not exceed* what he has received in any of the last three years." And as to the public treasury and disbursements, he the said Hastings did, in the said instructions, wholly withdraw them from the personal management or interference of the nabob, and did expressly order and direct, "that they should be under the *sole* management of the ministers, with the resident's concurrence." And on the appointment of the resident Bristow in October, 1782, he the said Hastings did order and direct him in every point of the instructions to Middleton, not revoked or qualified by his then instructions, to which he did require his [the said resident Bristow's] "most attentive and literal obedience."

LVIII. That the said resident Bristow did, in consequence of the renewal to him of the said instructions as aforesaid, endeavor to limit and put in order the nabob's expenses; but he was in that particular traversed and counteracted, and in the end wholly defeated, by the minister Hyder Beg Khân. And though the obstructions aforesaid, agreeably to the instructions given to Middleton, and to him the said Bristow, were represented to the said Warren Hastings by the resident aforesaid, yet the said Warren Hastings did give no kind of support to the said resident, or take any

steps towards enabling him, the said resident, to effectuate the said necessary limitation and distribution of expenses by himself the said Hastings ordered and prescribed; nor, if he disapproved the proceedings of the said resident, did he give him any instruction for the forbearance of the same, or for the exerting his duty in any other mode: nor did he call for any illustration from him of any thing doubtful in his correspondence, nor state to him any complaint made privately of his conduct, in order to receive thereon an explanation; but he did leave him to pursue, at his discretion, the extensive powers before described, to effect the reformation, which he was directed to accomplish under the responsibility denounced to him as aforesaid, if he should fail therein, as he was supposed to be substantially invested with all the powers of government.

LIX. That, instead of the said support or instruction, he the said Hastings did countenance, or more probably cause or direct, a representation to be made to him by the acting minister of the nabob of Oude, complaining grievously of the proceedings of the resident aforesaid, as usurpations on the nabob's authority, and indignities on his person. And although he the said Hastings did instruct the resident, Bristow, to inform the said Hyder Beg Khân, that he would not receive from the nabob, as *his*, letters directed by the spirit of opposition, but should consider every such attempt as his [the minister's], as an insult on our government; yet he did receive, as *his*, the nabob's own letters, and as written from the impressions on his own mind, and as the suggestions of his own judgment, letters to the same effect as those written by the minister, although he had declared upon record, that the said "nabob was a mere cipher in his the said minister's hands," and "that he had dared to use both the nabob's name, and even his seal, affixed to letters either directed to the nabob, or written as from him, without his knowledge;" and although he did assert, or record as afore-

said, that in a letter, which he had lately received from the nabob, the minister had the presumption to make the nabob declare that which was *true* to be *false;* and that "his *making use* of the nabob in such a manner did show how thin the veil was by which *he* covered *his own acts;* and that such artifices would only tend to make them the more criminal from the *falsehood and duplicity with which they were associated.*"

LX. That the said Hastings did act upon the letters pretended to be written by the nabob, as well as on those actually written by the minister, without previously communicating the matter of the said complaint to the said resident, and did give credit to the same; and coming as aforesaid from a person by himself (the said Hastings) charged with artifice, falsehood, and duplicity, and with abusing to his own evil purposes the name and seal of his master, without his knowledge, and without any previous inquiry into the facts and circumstances; and did thereon ground an accusation against the said resident, Bristow, before the board at Calcutta, in which he did represent the conduct of the said Bristow, in attempting to limit the household expenses of the nabob, as an indignity, "which no man living, however mean his rank in life, or dependent in his condition in it, would permit to be exercised by any other, but with the want or forfeiture of every manly principle." And he did further accuse the said Bristow, for that in his proceedings in the regulation of the nabob's household "he should receive to himself, or Mr. Cowper for him, or a treasurer for both, (for the arrangement has never been well defined,) the money assigned for the support of the nabob's household; issue it as he pleased, not to the nabob, but to the menial officers of his household; dispose of his superfluous horses, and other cattle; determine how many elephants were necessary to the state of the vizier of the empire; the number of domestics for his attendance; and pry into the kitchen for the purpose

of ascertaining the quantity of victuals which ought to be dressed in it; control the accounts of these disbursements; and appropriate to his own use (for that the consequence was inevitable, if he chose it) the residue produced by those economical retrenchments."

LXI. That the said charge is malicious and insidious, because the attempt to introduce proper officers for the management of household expenses, so considerable, that the said Hastings has stated the allotment for the same at £300,000 sterling yearly, and that other accounts have carried it to £400,000 sterling, and upwards, and to keep proper and regular accounts thereof, was a necessary regulation, and agreeable to the dignity of the nabob, and by no means a degradation either of his person or authority, which was specially provided for in the regulations, as no expense could be incurred but by his own personal warrant under his sign manual; nor doth there appear therein any thing but what is of absolute necessity to prevent embezzlement to his prejudice. And the said Hastings hath declared, in the 5th article of the instructions to the said resident, that *no* administration can be properly conducted without regular offices; and that in the whole province of Oude "there was *not one*, the *whole* being engrossed by the minister;" of which minister, in the 14th article, he declares his suspicion, that the nabob did not receive the whole and punctual payment of the sum assigned for the purpose of the household, but that some part had been by him withheld from the nabob; and that, from private information he had lately received, he had reason to believe that this was actually the case. And the said Hastings well knew that the nabob's household had been ill conducted; that the allowances of his servants had not been paid; that his distress was scandalous; and that his nearest relations were in a famishing condition: and the said Hastings did also well know that the household of the nabob was provided for or neglected, not at his own discretion, but

at that of the said Hyder Beg Khân; and he did, in the 14th article aforesaid, instruct the resident Bristow to show every ostensible and external mark of respect to the nabob, in order to induce him to become himself the mover of the very act necessary for the advancing of his own interests, and the discharge of his debts to the company, declaring, "that they never could be effected while the minister retained that ascendancy over him, which he at present holds by the means of a nearer and more private intercourse, and by affecting to be the mediator of his rights against the claims of our government." And the said Hastings did further well know, that there was no way of ascertaining the payment of the assignments for the nabob's household, either for the general purposes of their destination, or to the particular objects to which they ought to be applied, without regular offices of receipt and of account, which might prevent the said minister Hyder Beg Khân, or the British resident, or any other, from embezzling or misapplying the same. But the total want of offices aforesaid in every department of government did furnish occasion of concealing all frauds, clandestine presents, or pensions to a governor-general, commander-in-chief, or other servant of the company.

LXII. That the said Warren Hastings, who did pretend so deep a concern for the indignities supposed to be suffered by the nabob, merely in the limitation and regulation of unnecessary expenses relative to his kitchen, domestics, &c., did show no attention or compassion to the said nabob, when, in the year 1779, the said nabob represented that the pensions of his old servants for thirty years, the expenses of his family and kitchen, together with the jaghires of his grandmother, mother, and aunts, and of his brothers and dependants, given for their support, were not *regulated*, but *stopped*.

LXIII. That the other articles of regulation, namely, the reform of the troops in number and in arrangement, the ap-

pointment of proper collectors for the revenues, and the general constitution of officers for the executive administration, were in like manner totally defeated by the said Hyder Beg Khân. And the said Hastings did receive a charge from him, and did adopt it as his own, representing the endeavors of the resident to act in the regulations aforesaid agreeably to the spirit of his instructions, and in confidence of the powers vested in, and the responsibility imposed upon, him, the said resident, as usurpations of the authority and prerogative of the nabob; and he the said Hastings did make criminal charges thereon against the said resident Bristow, of which charges the council board did, on hearing the same, and the defence of the said Bristow, fully acquit him.

LXIV. That the said Hastings, by abetting Hyder Beg Khân, a person described by him as aforesaid, in his opposition to all the plans of necessary reformation proposed by the said Hastings himself, and having suggested no other whatever in lieu thereof, to answer the purposes, for which he had stipulated in the treaty of Chunar for the interference of the resident in every branch of the nabob's government, did thereby frustrate every one of the good ends proposed by him in the said treaty of Chunar, and did grossly abuse his trust in giving the exorbitant powers before recited, and asserting them to exist in the British resident, without suffering them, even in appearance, to answer any of the proper and justifiable ends, for which any power or influence can or ought to exist in any government.

LXV. That there is just ground to violently presume, that not only the letters in the name of the nabob aforesaid were dictated to him by his minister, Hyder Beg Khân, in whose hands the said Hastings has described his master to be "a mere cipher," &c., but which Hyder Beg was the known instrument of the said Hastings; but that the conduct and letters of complaint of the said Hyder Beg were, in

effect and substance, prescribed and dictated to him by the said Warren Hastings, or his secret agent, Palmer, by his direction; because it is notorious, that the powers of the said Hyder Beg were solely supported by him the said Hastings who, according to the state of favor or displeasure in which he stood, hath frequently promised him support, or threatened him with dismission and punishment; and therefore it is not to be thought that he would take so material a step as to oppose the company's resident, acting under the instructions of the governor-general and council, and to accuse him with so much confidence, and in a manner so different from the usual style of supplication on all other occasions employed by that court, if he had not been previously well assured that his writing in that manner would be pleasing to the person, upon whom he solely depended for his power, his fortune, and perhaps for his life. Secondly, because, when it suited the purposes of the said Hastings on a former occasion, that is, in the year 1784, to remove the resident Bristow aforesaid from his office, a letter from the nabob was laid before the council board at Calcutta, proposing that, in order to prevent the effects of the said Bristow's application to Europe for redress, the said Hastings should send him draughts of letters, which he the said nabob would write in his own name and character to the king, to his majesty's ministers, and to the court of directors, expressing himself, in the letter aforesaid, in the words following: viz. "to prevent his [Bristow's] applying to Europe, send me, if *you* think proper, the draughts of letters, which *I* may write to the king, the vizier, and the chiefs of the company." Thirdly, that though the said Hastings, and his secret agent, Palmer, did pretend, and positively assert, that they had no share in the letters aforesaid from the nabob and his minister, there was an original note to the nabob's letters of accusation, referring to distinct parts and specified numbers of the agent Palmer's secret correspondence with the said Warren Hastings; and the said letter, with the said reference, was, through inadvertence, laid before the board.

LXVI. That the said Warren Hastings, having thrown the government of Oude into great confusion and distress, and thereby prevented the discharge of the debt, or pretended debt, to the company, did, by all the said intrigues, machinations, and charges, aim at the filling the said office of resident at Oude with his own dependants, or by himself personally, as it appears, that he did first propose to place in the said office his secret agent, Palmer, and that afterwards, when he was not able to succeed therein, he did propose nominally to abolish the said office, but in effect to fill it by himself; proposing to the council, and rendering himself responsible (but not in fortune) for the payment of the company's debt within a certain given time, if he were permitted and commissioned by the council to act for the board in that province; and did inform them, that he was privately well assured, that in a few days he should receive an invitation to that effect; and he did state (as in the year 1781 he had stated as a reason for his former delegation) "that the state of the country was so disordered in its revenue and administration, and the credit and influence of the nabob himself so much shook by the *late usurpation* of his authority, and the contests which attended it, as to require the accession of an extraneous aid to restore the powers, and to reanimate the constitution, of his government;" although he the said Hastings did for a long time before attribute the weakness of his government to an extraneous interference. And the said council, on his engagement aforesaid, did consent thereto; and he did accordingly receive a commission, enabling him to act in the affairs of Oude, not only as the resident might have done, but as largely as the council general might legally delegate their own powers.

LXVII. That the said Warren Hastings, in accepting the said commission, did subject his character, and the reputation of his office, to great imputations and suspicions by taking upon himself an inferior office, out of which another had

upon his intrigues been removed by a perpetual obstruction, which rendered it impossible for him to perform his duty, or to obey his instructions; and he did increase the said grounded suspicions by exercising that office in a government from whence it was notorious he had himself received an unlawful gift and present from the ministers, and in which he had notoriously suffered many, and had himself actually directed some, acts of peculation, by granting various pensions and emoluments, to the prejudice of the revenue of a distressed country, which he was not authorized to grant.

LXVIII. That the said Warren Hastings did proceed unto the said province of Oude under color of providing a remedy for the disorders described to be existing in the same, and for the recovery of the company's pretended debt. And the said Warren Hastings, who had thought fit to recall the company's resident appointed to that office by the court of directors, and to suspend his office, did, notwithstanding, of his own choice and selection, and on his own mere authority, take with him in his progress a large retinue, "and a numerous society of English gentlemen, to compose his family," which he represents as necessary; although, in a letter from that very place, to which he took that very numerous society, he informs the court of directors "that his own consequence, and that of the nation he represents, are independent of show;" and, after his arrival there, he the said Warren Hastings did write from Lucknow, the capital of that province, a letter dated the 30th of April, 1784, to the court of directors, in which are several particulars to the following purport or tenor, and which he points out to the directors "to be circumstances of no trivial information," namely, "that he had found that the lands in that province, as well as in some parts more immediately under the company, have suffered in a grievous manner, being completely exhausted of their natural moisture by the total failure of one entire season of the periodical rains," with a few exceptions, which were pro-

duced only "by the uncommon labor of the husbandman." And in a letter to Edward Wheler, Esq., a member of the council general from Benares, the 20th of September, 1784, he says that "the *public revenues* had declined with the failure of the cultivation *in three successive years:* and all the stores of grain, which the *providence of* the husbandman (as he was informed is their *custom*) in defiance of the *vigilance* of the aumils [collectors], *clandestinely reserved for their own use*, were of course exhausted, in which state no person would accept of the charge of the collections on a positive engagement, nor did the rain fall till the 10th of July." And in another letter, dated from Benares, the 1st of October following, he repeats the same accounts; and that the "country could not bear further additions of expense; that it had *no inlets of trade* to supply the issues that were made from it;" [the exceptions stated there being inconsiderable;] "therefore *every rupee*, which is drawn into your treasury [the company's] from its circulation, will accelerate the period at which its ability must cease *to pay even the stipulated subsidy*." Notwithstanding this state of the country, of which he was well apprized before he left Calcutta, and the poverty and distress of the prince having been frequently, but in vain, represented to him, in order to induce him to forbear his oppressive exactions, he did, in order to furnish the council with a color for permitting him to recall the company's resident, and to exercise the whole powers of the company in his own person, without any check whatsoever, or witness of his proceedings, except the persons of his own private choice, make the express and positive engagement aforesaid, which, if understood of a real and substantial discharge of debt for the relief of the total of the company's finances, was grossly fallacious; because, at the very time, he must have been perfectly sensible that, in the then state of the revenues and country of Oude, (which are in effect the company's revenues, and the company's country,) the debt, or pretended debt, aforesaid, asserted to be

£500,000, or thereabouts, could not be paid without contracting another debt, at an usurious interest, without encroaching on the necessary establishments, or on private property, or on the pay of the army, or without grievous oppression of the country, or all these together. And it doth appear that £100,000 towards the said payment of debts was borrowed at Calcutta by the nabob's agent there, but at what interest is not known. It appears also that other sums were borrowed for arrear of the interest, on which £40,000 sterling appears in the company's claims for the current year, and that various deductions were made from the jaghires restored to the begums, as well as other parts of the nabob's family; and it did and doth appear that an arrear is still due to the old and new brigade, but whether the same be growing or not doth not appear; yet he hath not hesitated to assert that he had "provided for the *complete* discharge in *one* year of a debt contracted by the *accumulation of many*, and from a country whose resources have been wasted and dissipated by three successive years of drought, and one of anarchy." But the said Hastings never did even realize the payments to be made in the first year, (as he confesses in the said letter,) except by an anticipation of the second; and though he states in his letter aforesaid the following facts and engagements, that is to say, "*that a recovery of so large a part of your property* [the company's] will afford a seasonable and substantial relief to the necessities of your government, and enable it (for such is my confident hope) *to begin on the reduction of your debt at interest* before the conclusion of this year (I mean the year of this computation)." Whereas the said Warren Hastings did apply the whole produce of the revenue to the mere pay of some part of the British army in Oude; and did not mention in his correspondence that he had remitted any money whatsoever to Calcutta, nor to any other place (except the £50,000 taken from Almas Ali Khân, and said to be remitted to Surat) for the said "substantial relief," in consequence of the said pretended "recovery of

property," admitting that it had been suggested to him, and not by him denied, that he had "disappointed the popular expectation by not adopting the policy which he had, *on the conception of better grounds*, rejected; nor did be begin the reduction of the interest debt" at the time stated, nor at any time; but the whole (he well knowing the state of the country from whence the resources aforesaid were by him promised) was a premeditated deceit and imposition on the board of council, his colleagues, and on the court of directors, his masters.

LXIX. That no traces of regulation appear to have been adopted by the said Warren Hastings during his residence at Lucknow, in conformity to the spirit and intentions of the treaty of Chunar, or of his instructions to Middleton and Bristow, or of the proposed objects of his own commission. But he did, in lieu thereof, pretend to free the nabob's government from the interference of the company's servants, and the usurpation (as he called it) of a resident, and thereby to restore it to its proper tone and energy; whereas the measures he took were such as to leave no useful or responsible superintendence in the British, and no freedom in the nabob's, government; for he did confirm the sole, unparticipated, and entire administration, with all the powers annexed to the government, on the minister Hyder Beg Khân, to whom he *prevailed* on the nabob vizier to commit the entire charge of his revenues, although he knew that his master was a cipher in his hands; that he "had affixed his seal to letters written without his knowledge, and such as evidently tended to promote Hyder Beg Khân's influence and interest:" that his said master did not consider him as a minister of his choice, but as an instrument of his degradation; that "he exists as a minister by his dependence on the Calcutta government, and that the nabob himself had no other opinion of him; that it is by its *declared* and most *obvious* support alone that he could maintain his authority and influence." And in

his instructions to his secret agent, Major Palmer, dated 6th of May, 1782, to ease his mind, and remove his jealousy with regard to British interference, he did instruct him "that much delicacy and caution will be required in your declarations on this subject, lest they should be construed to extend to an immediate change in the administration of his affairs, or the instruments of it. Their persons must be considered as *sacred, while* they act with the *participation of our influence.* This distinction the nabob *understands;* nor will it be either necessary or proper to allude to it, unless he himself should first introduce the subject." And the said Hastings did assume, as to a dependant of the lowest order, to prescribe to him the conditions on which he is to hold his place, to threaten him with scrutinies into his conduct, with dismission, with punishment; that he was guilty of falsehood and duplicity; and that he had made his master assert what was true to be false; that he suspected he had withheld from his master what he ought to have paid to him; that the event of his having prevailed on the nabob to intrust him as aforesaid was, according to his the said Hastings's own letter, written to the said Hyder Beg Khân himself, "an accumulation of distress, debasement, and dissatisfaction to the nabob, and of disappointment and disgrace to me. Every measure, which he had himself proposed, and to which he had solicted my assistance, has been so conducted as to give him cause of displeasure; there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed aumils of the districts, without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries with independent authority; all the other zemindars suffered to rise up in rebellion, and to insult the authority of the sircar, without any attempt made to suppress them; and the company's debt, instead of being discharged by the assignments, and extraordinary sources of

money provided for that purpose, is likely to exceed even the amount at which it stood at the time in which the arrangement with his excellency was concluded. *The growth of these evils was early made known to me, and their effects foreboded in the same order and manner as they have since come to pass.* In such a state of calamity and disgrace, I can no longer remain a passive spectator; nor would it be becoming to conceal my sentiments, or qualify the expression of them. I now plainly tell you that you are answerable for every misfortune and defect of the nabob vizier's government." And after giving orders, and expressing some hopes of better behavior, he adds "If I am disappointed, you will impose on me the painful and humiliating necessity of acknowledging to him that I have been deceived, and of recommending the examination of your conduct to his justice, both for the redress of his own and the company's grievances, and for the injury sustained by both in their mutual connection. *Do not reply to me*, that what I have written is from the suggestion of your enemies; nor imagine that I have induced myself to write in such plain and declaratory terms, without a clear insight into all the consequences of it, and a fixed determination upon them."

LXX. That the aforesaid being the tenor of the power of the said minister, and such his character, as given by the said Warren Hastings himself, who did originally compel the nabob to receive him, who did constantly support him against the nabob his master, as well as against the company's resident;—the delivering over to such a person his master, his family, his country, and the care of the British interests therein, without control or public inspection, was a high crime and misdemeanor.

LXXI. That the next person, whom the said Hastings did invest with power in the said country, was a certain opulent and powerful native manager of revenue, called Almas

Ali Khân, closely connected with the said Hyder Beg Khân; and to whom the said Hyder Beg Khân, as the said Hastings has admitted, "had intrusted the greatest part of his revenues, without any pledge or security for his fidelity." And afterwards the said Hastings charges the said Almas Ali with an intention of removing from the nabob's dominions; he states, "as taking with him," and therefore being possessed of, "an immense treasure, the fruits of his embezzlements and oppressions, and an army raised for its protection."

LXXII. That the said Warren Hastings was, or pretended to be, impressed with the evil character, dangerous designs, and immoderate power of the said Almas Ali; that he did insert, among his instructions to the resident Bristow, an order of a dangerous and unwarrantable nature, in which upon his, the said Hastings's, simple allegation of offences not accurately described or specified with regard either to the fact, the nature of the offence, or the proof, he was required to urge the nabob to put him to death, with many qualifications in the said instructions, full of fraud and duplicity, calculated to ensnare the said resident Bristow, and to throw upon him the responsibility of the conduct of the said Almas Ali Khân, if he should continue at large contrary to his orders, or to subject him, the said resident, to the shame and scandal of apprehending and putting him to death by means, which, in the circumstances, must necessarily be such as would be construed into treachery; he, the said Almas Ali Khân, being from nature and situation suspicious and watchful, and being at that very time in the collection or farmer of the most important part of the revenues, with an extensive jurisdiction annexed, and at the head of fourteen thousand of his own troops; and having been recently accepted by the resident Middleton as security for large sums of money advanced by the bankers of Benares to the use of the East-India Company; which orders (if the said resident would or could have executed them) must have raised an

universal alarm among all the considerable men of the country concerned in the government, and would have been a means of subverting the public credit of the company by the murder of a person engaged for very great sums of money, that had been advanced for their use.—And the said instructions are as followeth :

"If any engagement shall actually subsist between them at the time you have charge of the residency, it must, however exceptionable, be faithfully observed; but if he has been guilty of any criminal offence to the nabob, his master, for which no immunity is provided in the engagement, or he shall break any one of the conditions of it, I do most strictly enjoin you, and it must be your special care to endeavor, *either by force or surprise*, to secure his person and bring him to justice. By bringing him to justice I mean, that you urge the nabob, on due conviction, *to punish him with death*, as a necessary example to deter others from the commission of the like crimes; nor must you desist till this is effected.—I cannot prescribe the means; but to guard myself against the obloquy, to which I may be exposed by a forced misconstruction of this order by those who may hereafter be employed in searching our records for cavils and informations against me, I think it proper to forbid and protest against the use of any *fraudulent artifice or treachery to accomplish the end which I have prescribed;* and as you alone are privy to the order, you will of course observe the greatest secrecy, that it may not transpire: but I repeat my recommendation of it, as one of the first and most essential duties of your office."

LXXIII. That among the reasons assigned for putting to death the said Almas Ali, which the said Hastings did recommend directly and repeatedly to the resident, "as one of the first and most essential duties of his office," was in substance, "that by his extensive trust with regard to the revenues he had been permitted to acquire independency;

that the means thereof had been long seen, and the effects thereof foretold by every person acquainted with the state of government, except those immediately interested in it:" and he the said Warren Hastings did also charge the said Almas Ali with embezzlement of the revenues, and oppression of the people; and nothing appears to disprove the same, but much to give ground to a presumption, that the said Almas Ali did grievously abuse the power committed to him, as farmer and collector of the revenue, to the great oppression of the inhabitants of the countries, which had been rented to him by Hyder Beg Khân, with the knowledge and consent of the said Warren Hastings.

LXXIV. That the resident Bristow, declining the violent attempt on the life of Almas Ali, deceitfully ordered by the said Warren Hastings, did, on weighty reasons, drawn from the spirit of the said Hastings's own instructions, recommend, that his the said Almas Ali Khân's farms of revenue, or a great part of them, should be, on the expiration of his lease, taken out of his hands, as being too extensive, and supplying the means of a dangerous power in the country; but yet he the said Warren Hastings did not only continue him in the possession of the said revenue, but did give to him a new lease thereof for the term of five years. And on this renovation and increase of trust the said Warren Hastings did not consent to produce the informer, upon whose credit he had made his charge of capital crimes on the said Almas Ali, and had directed him to be put to death, or call upon him to make good his charges; but instead of this, totally changing his relation to the said Almas Ali, did himself labor to procure from all parts attestations to prove him not guilty of the perfidy and disloyalty, of which the said Hastings himself appears to have been to that very time his sole accuser, as he hath since been his most anxious advocate; but though he did use many endeavors to acquit Almas Ali of his intended flight, yet concerning his embezzlements and oppres-

sions, the most important of all charges relative to that of the revenue and collection, he the said Hastings hath made no inquiry whatever, by which it might appear that he was not as guilty thereof as he had always represented him to be. But some time after he the said Warren Hastings had arrived at Lucknow, in the year 1784, he suggested to the said Almas Ali Khân the *advance* to the company's use of a sum of money, amounting to £50,000, or thereabouts; and the said suggested advance was (as the said Warren Hastings asserts, no witness or document of the transaction appearing) "cheerfully, and without hesitation, complied with, considering it as an *evidence seasonably* offered for the general refutation of the charges of perfidy and disloyalty;"—which practice of charging wealthy persons with treason and disloyalty, and afterwards acquitting them on the payment of a sum of money, is highly scandalous to the honor, justice, and government of Great Britain; and the offence is highly aggravated by the said Hastings's declaration to the court of directors, that the charges against Almas Ali Khân have been too laboriously urged against him; and carried at one time to such an excess as had nearly driven him to abandon his country "*for the preservation of his life and honor;*" and thus to give a "color to the charges themselves," when he the said Warren Hastings did well know, that he himself did consider as a crime, and did make it an article in a formal accusation against the resident Middleton that he did not inform him the said Hastings of the supposed treasons of Almas Ali Khân, and of his design to abandon the country, when he himself did most laboriously urge the charges against him; and when no attempt appears to have been made against the life of the said Almas Ali Khân, except by the said Warren Hastings himself.

LXXV. That the sum of £50,000 sterling, or thereabouts, publicly taken by the said Warren Hastings, as an *advance* for the use of the company, if given as a consideration,

or fine, on account of the renewal for a long term of civil authority and military command, and the collection of the revenues to an immense amount, the same being at least £800,000 sterling yearly, was so totally inadequate to the interest granted, that it may justly be presumed it was not on that or on any public ground or condition, that the said Hastings did delegate, out of all reach of resumption or correction, a lease of boundless power and enormous profit for so long a term, to a known oppressor of the country.

LXXVI. That Warren Hastings being at Lucknow in consequence of his deputation aforesaid, did, in his letter from that city, dated 30th of April, 1784, recommend to the court of directors, "*as his last and ultimate hope*, that their wisdom would put a *final* period to the *ruinous and disreputable system* of interference, whether *avowed or secret*, in the affairs of the nabob of Oude; and withdraw *for ever the influence* by which it is maintained;" and that they ought to confine their views to the sole maintenance of the old brigade stationed in Oude by virtue of the first treaty with the reigning nabob; expressing himself in the following words to the court of directors: "If you transgress that line, you may extend the *distribution of patronage, and add to the fortunes of individuals*, and to the nominal riches of Great Britain; but your *own* interests will suffer by it: and the *ruin of a great and once flourishing nation will be recorded as the work of your administration, with an everlasting reproach to the British name.* To this reasoning I shall join the *obligations of justice and good faith, which cut off every pretext for your exercising any power or authority in this country, as long as the sovereign of it fulfils the engagements he has articled with you.*"

LXXVII. That it appears, by the extraordinary recommendation aforesaid, asserted by him, the said Hastings, to be enforced by the "*obligations of justice and good faith*,"

that the said Warren Hastings, at the time of writing the said letter, had made an agreement to withdraw the British interference, represented by him "as a ruinous and disreputable system," out of the dominions of the nabob of Oude. But the instrument itself, in which the said agreement is made, (if at all existing,) does not appear; nor hath the said Hastings transmitted any documents relative to the said treaty, which is a neglect highly criminal; especially as he has informed the company, in his letter from Benares, "that he has promised the nabob that he will not abandon him to the *chance* of any other mode of relation: and most confidently given him assurance of *the ratification and confirmation* of that, which he [the said Hastings] had established between his government and the company;" the said *confident assurance* being given to an agreement never produced, and made without any sort of authority from the court of directors; an agreement precluding, on the one hand, the operation of the discretion of his masters in the conduct of their affairs, or, on the other, subjecting them to the hazard of an imputation on their faith, by breaking an engagement confidently made in their name, though without their consent, by the first officer of their government.

That the said Hastings, further to preclude the operation of such discretionary conduct in the administration of this kingdom, as circumstances might call for, has informed the directors that he has gone so far as even to condition the existence of the revenue itself with the exclusion of the company, his masters, from all interference whatsoever; for in his letter to Mr. Wheler, dated Benares, 20th September, 1784, are the following words: "the aumils [collectors] demanded that a clause should be inserted in their engagements, that they were to be in full force for the complete term of their leases, *provided that no foreign authority* was exercised over them; or, in other words, *that their engagements were to cease whenever they should be interrupted in their functions by the interference of an English agent.*

This requisition was officially notified to me by the acting minister, and referred to me in form by the nabob vizier, for my *previous* consent to it: I encouraged it, and I gave my consent to it." And the said Hastings has been guilty of the high presumption to inform his said masters that he has taken that course to compel them not to violate the assurances given by him in their name:—" there is one condition [namely, the above condition,] which *essentially connects the confirmation of the settlement itself with the interests of the company.*

LXXVIII. That the said Warren Hastings, who did show an indecent distrust of the company's faith, did endeavor before that time, at other times, namely, in his instructions to his secret agent, Major Palmer, dated the 6th of May, 1782, to limit the confidence to be reposed in the British government to the duration of his own power, in the following words in the 5th article: " It is very much my desire to impress the nabob with a *thorough* confidence in the faith and justice of our government; that is to say, *in my own*, while I am at the head of it: I cannot be answerable for the acts of others independent of me."

LXXIX. That the said Warren Hastings did, in his letter, dated Benares, the 1st of October, 1784, to the court of directors, write, " that, if they [the directors] manifested no *symptoms* of an [1]*intended* interference, the objects of his engagements will be obtained; [2]but if a different policy shall be adopted, if new agents are sent into the country, and armed with authority for the purposes of vengeance or corruption *(for to no other will they be applied)*; [3]if new demands are made on the nabob vizier, [4]and accounts overcharged on one side, with a wide latitude taken on the other, to swell his debt beyond the means of payment; [5]if political dangers are portended, to ground on them the plea of burthening his country with unnecessary defences and enormous

subsidies; "or if, even abstaining from *direct encroachment on the nabob's rights*, your government shall show but *a degree of personal kindness to the partisans* of the late usurpation, or by any constructive indication of partiality and dissatisfaction *furnish* grounds for the *expectation* of an *approaching* change of system;—I am sorry to say that all my labors will prove abortive."

LXXX. That all the measures deprecated in future by the said Warren Hastings, with a reference to former conduct, in his several letters aforesaid, being (so far as the same are intelligible) six in number, have been all of them the proper acts and measures of the said Warren Hastings himself; for he did himself first of all introduce, and did afterwards continue and support, that interference (which he now informs the court of directors "is ruinous and disreputable," and which the very *symptoms* of an *intention* to renew he considers in the highest degree dangerous); he did direct, with a controlling and absolute authority, in every department of government, and in every district in the dominions of the nabob of Oude.—Secondly, the appointment of agents, which was eminently the act of his own administration; he not only retaining many agents in the country of Oude, both "*secret and avowed*," but also sending some of them, in defiance to the orders of that very court of directors, to whom, in his said letter of the 1st of October, 1784, he assigns "vengeance and corruption" as the only motives, that can produce such appointments.—Thirdly, that he, the said Warren Hastings, did instruct one of the said agents, and did charge him, upon pain of "*a dreadful responsibility*," to perform sundry acts of violence against persons of the highest distinction, and nearest relation to the prince; which acts were justly liable to the imputation of "*vengeance*" in the execution, and which he, in his reply to the defence of Middleton to one of his charges, did declare to be liable to the suspicion of "*corruption* in the relaxation."—

Fourthly, that he did raise new demands on the vizier, "and overcharge accounts on one side, and take a wide latitude on the other," by sending up a new and before unheard-of overcharge of £400,000 and upwards, not made by the resident, or admitted by the vizier; and, by adding the same, did swell his debt "beyond the means of payment;" and did even insert, as the ninth article of his charge against Middleton, "his omitting to take any notice of the additional balance of rupees, 26,48,571, stated by the accountant-general to be due from the vizier on the 30th of April, 1780," to which he did add fourteen lacks more, making together the above sum.—Fifthly, that he the said Warren Hastings did assign "political dangers" in his minute of the 13th December, 1779, for burthening the said nabob of Oude "with unnecessary defences and enormous subsidies," with regard to which he then declared that "it was *our* part, not *his* (the nabob's) to judge and to determine."—And, sixthly, that he did not only show the *design*, but the *fact*, of personal kindness to the partisans of what he here calls, as well as in another letter, and in one minute of consultation, a "late usurpation," he having rewarded the principal and most obnoxious of the instruments of the said late usurpation, (if such it was,) Richard Johnson, Esq., with an honorable and profitable embassy to the court of the Nizam.

LXXXI. That the said Warren Hastings, therefore, by assuming an authority which he himself did consider as an *usurpation*, and by acts, in virtue of that usurped authority, done in his own proper person, and by agents appointed by himself, and proceeding (though with some mitigation, for which one of them was by him censured and accused) under his own express and positive orders and instructions, and thereby establishing, as he himself observed, "a system of interference, disreputable and ruinous, which could only be subservient to promote patronage, private interest, private embezzlement, corruption, and vengeance," to the public detriment of the

company, "and to the ruin of a once flourishing nation, and eternally reproachful to the British name;" and for the evil effects of which system, "as his sole and ultimate hope" and remedy, he recommends an entire abdication for ever, not only of all power and authority, but even of the interference and influence of Great Britain;—is guilty of an high crime and misdemeanor.

LXXXII. That the said Warren Hastings in his letter from Chunar, of the 29th of November, 1781, has represented that very influence and interference (which in three public papers he denominates "*a late usurpation*") as being authorized by a regular treaty and agreement, voluntarily made with the nabob himself at a place called Chunar, on the 19th of September, 1781, a copy of which hath been transmitted to the court of directors; and that three persons were present at the execution of the same, two whereof were Middleton and Johnson, his agents, and residents at Oude, the third, the minister of the nabob. And he did, in his paper written to the council general, and transmitted to the court of directors, not only declare that the said interference was agreed to by the said nabob, and sealed with his seal, but would be highly beneficial to him; assuring the said council "that, if the resident performed his duty in the execution of his [the said Hastings's] instructions, the nabob's part of the engagement will prove of still greater benefit to him than to our government, in whose behalf it was exacted; and that the *participation*, which is allowed our resident in the *inspection* of the public treasure, will secure the receipt of the company's demands, whilst *the influence, which our government will ALWAYS possess over the public minister of the nabob and the authority of our own*, will be an effectual means of securing an attentive and faithful discharge of their several trusts, both towards the company and the vizier."

LXXXIII. And the said Warren Hastings did not only

settle a plan, of which the agency and interference aforesaid was a part, and assert the beneficial consequences thereof, but did also record that the same " was a great public measure, constituted on a large and *established system*, and, destructive, in its instant effects, of the interest and fortune of many patronized individuals ; " and in consequence of the said treaty, he the said Warren Hastings did authorize, and positively require, his agent aforesaid to interfere in, and control, and regulate, *all the nabob's affairs whatsoever ;* and the said Warren Hastings having made for the company, and in its name, an acquisition of power and authority, even if it had been abused by others, he ought to have remedied the abuse, and brought the guilty to condign punishment, instead of making another treaty without their approbation, consent, or knowledge, and to this time not communicated to them ; by which it appears he has annulled the former treaty, and the authority thereby acquired to the company, as a grievance and usurpation, to which, from the general corruption of their service, no other remedy could be applied than a formal renunciation of their power and influence ; for which said actings and doings the said Warren Hastings is guilty of an high crime and misdemeanor.

LXXXIV. That the company's army in India is an object requiring the most vigilant and constant inspection, both to the happiness of the natives, the security of the British power, and to its own obedience and discipline ; and does require that inspection in proportion as it is removed from the principal seat of government ; and the number and discipline of the troops kept up by the native princes, along with British troops, is also of great moment and importance to the same ends : that Warren Hastings, Esq., pretending to pursue the same, did, in virtue of an authority acquired by the treaty of Chunar aforesaid, give strict orders, and to which he did demand *a most implicit obedience*, that *all* officers of the nabob's army should be appointed " with *the concurrence*

of the resident;" and supposing the case that persons of obnoxious description, or of known disaffection to the British government, should be appointed, (of which he left the resident to be the judge,) he did direct in the following words: "You are in such case to remonstrate against it; and if the vizier should persist in his choice, you are peremptorily, *and in my name,* to oppose it as *a breach of his agreement;*" and he did also direct that the "mootiana [or soldiers employed for the collection of revenue] should be reformed, and reduced into one corps for the whole service; and that no infantry should be left in the nabob's service but what may be necessary for his body guard;"—and he did further order and direct as follows: "that in quelling disturbances the commander of the forces should assist you [the said resident] on the requisition of the vizier, communicated through you to him [the said commander], *or at your own single application.* It is directed that the regiment ordered for the immediate protection of your office and person at Lucknow shall be relieved every three months, and during its stay there shall act solely and exclusively under your orders." And it appears, in the course of the company's correspondence, that the country troops, under the nabob's sole direction, would be ill-disciplined and unserviceable, if not worse; and therefore the said Warren Hastings did order that "no infantry should be kept in his service;" yet it appears that the said Warren Hastings did make an arrangement for a body of native troops, wholly out of the control or inspection of the British government, and left a written order in the hands of Major Palmer, (one of *his* agents, who had been continued there, though the company was not permitted to employ any,) to be transmitted to Colonel Cumming, as soon as an adequate force shall be provided *for the defence of the nabob's frontier* by detachments from the *nabob's own battalions;* the said Colonel Cumming's forces, whom the others were to supersede and replace, consisting wholly of infantry, and

which, being intended for the same service, were probably of the same constitution.

LXXXV. That the old brigade of British troops, which by treaty was to remain, had been directed, by the instructions of the said Hastings to the resident Middleton, and to the resident Bristow, "not to be employed at the requisition of the vizier any otherwise than through the resident;" and the said direction was properly given, it not being fit that British troops should be under the sole direction of foreign independent princes, or of any other than the British government; yet, notwithstanding the proper and necessary direction aforesaid, he the said Warren Hastings hath left the said troops, by his new treaty, without any local control, or even inspection, notwithstanding his powers under the treaty of Chunar, and his own repeated orders, and notwithstanding the mischiefs and dangers which the said Warren Hastings did foresee would result therefrom, if left under the sole direction of the nabob, and their own discretion, the said Hastings having stipulated with the said nabob not to exercise any authority, or even influence, *secret* or *avowed*, within his dominions.

LXXXVI. That the crime of the said Warren Hastings, in attempting thus to abandon the British army to the sole discretion of the nabob of Oude, is exceedingly aggravated by the description given by him severally of the said nabob of Oude, and of the British army stationed for the defence of his dominions: in his letters to the court of directors, and in his minutes of consultation, and particularly in his letter of immediately on the accession of the nabob, he did inform the said court "that the nabob had not, by all accounts, the "qualities of the head or heart which fitted him for that office, though there was no dispute concerning his right to succeed;" and some years afterwards, when his accounts must have been rendered more certain,

he did, in his minute of consultation, of the 15th of December, 1779, (regularly transmitted to the court of directors,) upon a discussion for withdrawing certain troops, kept up in the nabob's country without his consent, by him the said Warren Hastings, strongly urge, as follows, "the *necessity* of maintaining the influence and force which we possess in the country; that the disorders of his state [the nabob of Oude's state] and dissipation of his revenues are the effects of his own conduct, which has failed, not so much from the usual effects of *incapacity*, as from the detestable choice he has made of the ministers of his power and the participation of his confidence. I forbear to expatiate further on his character; it is sufficient that I am understood by the members of this board, who must know the truth of my allusions. Mr. Francis [a member of the board] surely was not aware of the injury he did me [Warren Hastings] by attributing to the spirit of party the character I gave Asuph ul Dowla [the nabob of Oude]; he himself knows it *to be true; and it is one of those notorieties which supersede the necessity of any evidence. I was forced to the allusion I made by the imputation cast on this government, as having caused the evils which prevail in the government of the nabob of Oude, which I could only answer by ascribing them to their true cause, the character and conduct of the nabob of Oude.*" And the resident, (appointed by the said Hastings against the orders of the court of directors,) as his particular confidential representative, one whom the said nabob did himself request might be continued with him, *by an engagement in writing for ever*, did some time before, that is, on the 3d of January, 1779, assure the said Hastings and the council general "that such is his excellency's [the nabob of Oude's] disposition, and so entirely has he lost the confidence and affections of his subjects, that, unless some restraint is imposed on him, which would effectually secure those who live under the protection of his government from violence and oppression, I am but too well convinced that no man of reputation or property

will long continue in these provinces." And that the said resident proceeds to an instance of oppression and rapine, "out of *many* of the nabob's, which has caused a total disaffection and want of confidence among his subjects; he hoped the board would take it into their humane consideration, and interpose their *influence*, and prevent an act which would inevitably bring disgrace upon himself, and a proportionable degree of discredit on the national character of the English, which I consider to be more or less concerned in every act of his administration."

LXXXVII. That no exception was ever taken by the said Warren Hastings to the truth of the facts, or to the justness of the observation of the said resident, which he did transmit to the court of directors. And the said Warren Hastings, in his letter from Chunar, dated the 29th of November, 1781, speaking of the restraints which had been put by him the said Hastings on the nabob, relative to his own mootiana, or forces for collection and police, and the necessity of giving the resident a control in the nomination of the officers of his army, has asserted "that the necessity of the reservation arose from a too well known defect in the nabob's character; if this *check* be withdrawn, and the choice left absolutely to the nabob, the first commands in his army will be filled with the most worthless and abandoned of his subjects; his late commander-in-chief is a signal and scandalous instance of this."

LXXXVIII. And the said Warren Hastings, in his letter to the court of directors, dated Benares, the 15th of October, 1784, even after he had made the aforesaid renunciation of the company's authority and influence to the nabob, did write "that the nabob, though most gentle in his manners, and endued with an understanding much above the common level, has been *unfortunately bred up in habits* that draw his attention too much from his own affairs, and often subject him to

the guidance of *insidious and unworthy confidants;*" which, though more decently expressed with regard to the nabob than in his former minutes, substantially agrees with them. And the said Warren Hastings did inform the court of directors, after he had solemnly covenanted to withdraw all the company's influence on the assurances and promises of a person so by himself described, that, for reasons grounded on his knowledge of the imbecility of the character of the nabob, he waited in a frontier town, "that he might be at hand to counteract any attempt to defeat the effect of his proceedings at Lucknow:" and, in his letter to Mr. Wheler from the same place, he did write in the following words: "I am still near enough to attend to the first effects of the execution, and to interfere with my influence for the removal of any obstructions to which they are or may be liable." He therefore found that there was none or but an insufficient security to the effect of his treaty, but in his own direct personal violation of it. What otherwise was wanting in the security for the nabob's engagements was to be supplied as follows; "the most respectable persons of his family will be employed to counteract every other, which may tend to warp him from it; and I am sorry to say *that such assistance was wanting.*" And in another letter, "that he had equal ground to expect every degree of support which could be given it by the *first characters of his family*, who are warmly and zealously interested in it:" the principal male character of the family, and of the most influence in that family, being *Salar Jung*, uncle to the nabob; and the first female characters of the family being the mother and grandmother of the reigning sovereign; all of whom, male and female, he the said Warren Hastings, in sundry letters of his own, in the transmission of various official documents, and even in affidavits, studiously collected, and sworn before Sir Elijah Impey during his short residence at Lucknow and Benares, did himself represent as persons entirely disaffected to the English power in India, as having been principal promoters, if not original contrivers,

of a general rebellion and revolt for the utter extirpation of the English nation; and, as such, he the said Warren Hastings did compel the nabob reluctantly to take from them their landed estates; and yet the said Warren Hastings has had the presumption to attempt to impose on the East-India Company, by pretending to place his reliance on those three persons for a settlement favorable to the company's interests, on his renunciation of all their own power, authority, and influence, and on his leaving their army to the sole and uncontrolled discretion of a stranger, meriting in his opinion the description given by him as aforesaid, as well as by him frequently asserted to be politically incapable of supporting his own power without the aid of the forces of the company. And the offence of the said Warren Hastings, in abandoning a considerable part of the British army in the manner aforesaid, is much increased by the description which he has himself given of the state of the said army, and particularly of that part thereof which is stationed in the nabob of Oude's dominions. For he did himself, on the 29th of November, 1781, transmit the information following, on that subject, to the court of directors, namely, "that the remote stations of those troops, placing the commanding officers beyond the notice and control of the board [the council general] at Calcutta, afforded too much of opportunity and temptation for unwarrantable *emoluments, and excited the contagion of peculation and rapacity throughout the whole army;* a most remarkable instance, and uncontrovertible proof of the prevalence of this spirit, has been seen in the court-martial upon Captain Erskine, where the court, composed of officers of rank and respectable characters, unanimously and honorably, (*most* honorably,) upon an acknowledged fact, acquitted him, which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment." From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the company's service) it appeared that the peculation which infected the

whole army, derived from the taint which it had in Oude, and so fatal to the discipline of the troops, would be dangerously increased by his treaty and agreement aforesaid with the nabob, and by his own said evil counsel to the court of directors.

LXXXIX. That it appears, after the said Warren Hastings had, on grounds so disgraceful to the British nation and government, agreed to remove for ever the British influence and interference from the government of Oude, on account of the disorders in the said government, solely produced by his own criminal acts and criminal connivances, that he did overturn his own settlement as soon as he had made it; and did, after he had abolished the company's residency, as a grievance, wholly violate his own solemn agreement; for he did, for his private purposes, continue therein his own private agent, Major Palmer, with a number of officers and pensioners, at a charge to the revenues of the country greatly exceeding that of the establishment under Mr. Bristow, which he did represent as frightfully enormous, and which he pretended to remove; the former amounting to £112,950, the latter only to £64,202.

XC. That his own secret agent, Major Palmer, did receive a salary or allowance equal to £22,800 a year out of the distressed province of Oude; and this the said Palmer did declare not to be more than he absolutely did, really and *bonâ fide*, spend; and that he had retrenched considerably "in some of the articles, since the expense has been borne by the vizier, and in every particular he made as little parade and appearance as his station would admit," his station being that of the said Warren Hastings's private agent. But if the said large salary must be considered as merely equal to the expenses, large secret emoluments must be presumed to attend it in order to make it a place advantageous to the holder thereof. That the said Palmer did apply to the board at Calcutta for a new authority to continue the

said establishments, he conceiving their continuance, "after the period of the governor-general's departure, depended upon the pleasure of the board, and not upon the *authority of the governor-general, under the sanction of which they were established or confirmed.*"

XCI. That the said Warren Hastings, in order to ruin the resident, Bristow, and to justify himself for his former proceedings respecting him, did bring before the board a new charge against him for having paid a large establishment of offices and pensions to the company's servants from the revenues of Oude; and the said Bristow, in making his defence against the charge aforesaid, did plead, that he had found all the allowances on his list established before his last appointment to the residency; that they had grown to that excess in the interval between his first removal by the said Warren Hastings, and his reappointment; and having adduced many reasons to make it highly probable that the said Hastings was perfectly well acquainted with it, and did approve of the expensive establishments, which he, the said Bristow, simply had paid but not imposed, he did allege, besides the official assurances of his predecessor, Middleton, certain facts, as amounting to a direct proof that the governor-general, Warren Hastings, was not averse to the vizier's granting large salaries to more than one European gentleman; and the first instance was to Mr. Thomas, a surgeon, who, exclusive of his pay from the company, which was £1,440 a year, claimed from the vizier, with Mr. Hastings's knowledge, the sum of £9,763 a year, and upwards, making together £11,203 per annum.—The next was Mr. Trevor Wheler, who did receive upon the same establishment, when he was fourth assistant at Oude, £6,000 a year; and which last fact the said Hastings has admitted, upon record, "that the accusations of Mr. Bristow and Mr. Cowper did *oblige* and *compel* him to acknowledge," denying at the same time that the allowances of the residents, Middleton

and Bristow, except in this single instance, were ever authorized by him; whereas his own agent, Palmer, did, in his letter of the 27th of March, 1785, represent that the said salaries and allowances (if not more and larger) were by him authorized or confirmed.

XCII. That the aforesaid Bristow did also produce the following letter, in proof that Mr. Hastings knew and approved of large salaries to British subjects upon the revenues of Oude, and which he did declare that nothing but the necessity of self-defence could have induced him to produce.

"DEAR BRISTOW,

"Sir Eyre Coote has some field-allowances to receive from the vizier; they amount to sicca rupees 15,554 per month, and he has been paid up by the vizier to the 20th of August, 1782. The governor has directed me to write to you, to request you to receive what is due from the vizier from the 20th of August last, at the rate of Lucknow sicca rupees 15,554 per month, and send me a bill for the amount, the receipt of which I will acknowledge in the capacity of Sir Eyre Coote's attorney; and the governor desires that you will continue to receive Sir Eyre Coote's field-allowances at the same rate, and remit the money to me as it comes in.

(Signed) "CHARLES CROFTES."

"Calcutta, January 25, 1783."

XCIII. That Sir Eyre Coote aforesaid was, at the time of the said field-allowances, not serving in the country of Oude, on which the said allowances were charged, but in the Carnatick.

XCIV. That from the declaration of the said Hastings himself, that it was the conviction of Mr. Bristow and Mr.

Cowper that could alone *oblige* and *compel* him to *acknowledge* certain of his aforesaid practices, and that nothing *but the necessity of self-defence* could have induced Mr. Bristow to make public another, and much stronger, instance of the same, it is to be violently presumed that where these two, or either, or both, necessities did not exist, many evil and oppressive practices of the said Hastings do remain undiscovered. That if it had not been for the contests between him, the said Hastings, and the resident Bristow, not only the before-mentioned particulars, but the whole of the expensive civil establishments for English servants at Oude, would have been for ever concealed from the directors, and from parliament; and yet the said Hastings has had the audacity to pretend so complete an ignorance of the facts, that, representing the vizier as objecting to the largeness of the payments made by Bristow, and stating a very reduced list, which he was willing to allow for, amounting to £30,000 a year, the said Hastings did affect to be alarmed at the magnitude even of the list so curtailed, expressing himself as follows, in his minute of the 7th of December, 1784: "For my own part, when the vizier's minister first informed me that the amount which his master had authorized, and was willing to admit, for the charges of the residency, and the allowances of the gentlemen at Lucknow, was 25,000 rupees per month, I own I was startled at the magnitude of the sum, and was some days hesitating in my mind whether I could with propriety admit of it." Whereas he well knew that the three sums alone, of which the necessities aforesaid had compelled the discovery, did greatly exceed that sum, of which, at the first hearing, he affects to have been so exceedingly alarmed, and thrown into a state of hesitation, which continued for some days; and although he, the said Hastings, was conscious that he had at the very time authorized an establishment to more than four times the amount thereof.

XCV. That in the said deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, as well as in the said secret, corrupt, and prodigal disposition of the revenues of Oude, as well as in his breach of faith to the nabob, in continuing expensive establishments under a private agent of his own, after he had agreed to remove the company's agent, the said Warren Hastings is guilty of a high offence and misdemeanor.

XVII. MAHOMED REZA KHÂN.

I. THAT it was the declared policy of the company, on the acquisition of the duannee of Bengal, to continue the country government under the inspection of the resident at the nabob's durbar, in the first instance, and that of the president and council in the last; and for that purpose they did stipulate to assign, for the support of the dignity of the nabob, an annual allowance from the revenues, equal to £400,000 a year.

II. That, during the country government, the principal active person in the administration of affairs, for rank, and for reputation of probity, and of knowledge in the revenues and the laws, was Mahomed Reza Khân, who, besides large landed property, was possessed of offices, whose emoluments amounted nearly, if not altogether, to £100,000 a year.

IV. That the company's servants, in the beginning, were not conversant in the affairs of the revenue, and stood in need of natives of integrity and experience to act in the management thereof. On that ground, as well as in regard to the rank which Mahomed Reza Khân held in the country, and the confidence of the people in him, they, the president and council, did inform the court of directors, in their letter of the 30th of September, 1765, that, "as Mahomed Reza Khân's short administration was irreproachable, they determined to continue him in a share of the authority;" and this information was not given lightly, but was founded upon an inquiry into his conduct, and a minute examination of charges made against him by his rivals in the nabob's

court, they having insinuated to the nabob that a design was formed for deposing him, and placing Mahomed Reza on his throne; but on examination the president and council declare that "he had so openly and candidly accounted *for every rupee* disbursed from the treasury, that they could not, without injury to his character, and injustice to his conduct, during his short administration, refuse continuing him in a share of the government."

V. That the company had reason to be satisfied with the arrangement made, so far as it regarded him; the president and council having informed them, in the following year, in their letter of the 9th of December, 1766, that "the *large* increase of the revenue must, in a great measure, be ascribed to Mr. Sykes's assiduity, and to *Mahomed Reza Khân's profound knowledge in the finances.*"

VI. That the then president and council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khân; and, in their letter to the court of directors of the 24th of June, 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents, and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khân therein, as well as the importance, dignity, and responsibility of his station, in the following manner:

"Mahomed Reza Khân has now *of himself, with great delicacy of honor*, represented to us the evil consequences that must ensue from the continuance of this practice; since, by suffering the principal officers of the government to depend for the support of their dignity on the precarious fund of perquisites, they, in a manner, oblige them to pursue oppressive and corrupt measures, equally injurious to the country and the company; and they accordingly assigned twelve

lacks of rupees for the maintenance and support of the said Mahomed Reza Khân, and two other principal persons, who held in their hands the most important employments of that government; having regard to their elevated stations, and to the expediency of supporting them in all the show and parade requisite to keep up the authority and influence of their respective offices, as they are all men of weight and consideration in the country, who held places of great trust and profit under the former government. We further propose, by this act of generosity, to engage their cordial services, and confirm them steady in our interests, since they cannot hope, from the most successful ambition, to rise to greater advantages by any chance or revolution of affairs. At the same time it was reasonable we should not lose sight of Mahomed Reza Khân's past services; he has pursued the company's interest with steadiness and diligence; his abilities qualify him to perform the most important services. The unavoidable charges of his particular situation are great; in dignity he stands second to the nabob only; and as he engages to increase the revenues, without injustice or oppression, to more than the amount of his salary, *and to relinquish those advantages, to the amount of eight lacks of rupees per annum*, which he heretofore enjoyed, we thought it proper, in the distribution of salaries, to consider Mahomed Reza Khân in a light superior to the other ministers. We have only to observe further, that great and enormous as the sum must appear which we have allotted for the support of the ministers of the government, we will not hesitate to pronounce that it is necessary and reasonable, and will appear so on the consideration of the power, which men employed on these important services have, either to obstruct or promote the public good, unless their integrity be confirmed by the ties of gratitude and interest."

VII. That the said Mahomed Reza Khân continued, with the same diligence, spirit, and fidelity, to execute the trust

reposed in him, which comprehended a large proportion of the weight of government, and particularly of the collections; and his attachment to the interest of the company, and his extensive knowledge, were again, in the course of the year 1767, fully acknowledged, and stated to the court of directors; and it further appears that, by an incessant application to business, his health was considerably impaired, which gave occasion in the year following, that is, in February, 1768, to a fresh acknowledgment of his services, in these terms: "We must, in justice to Mahomed Reza Khân, express the high sense we entertain of his abilities, and of the indefatigable attention he has shown in the execution of the important trust reposed in him; and we cannot but lament the prospect of losing his services from the present declining state of his health."

VIII. That as, in the increase of the revenue, the said Mahomed Reza Khân was employed as a person likely to improve the same, without detriment to the people, so, when the state of any province seemed to require a remission, he was employed as a person disposed to the relief of the people, without fraud to the revenue; and this was expressed by the president and council as follows, with relation to the remissions granted in the province of Bahar; "that the general knowledge of Mahomed Reza Khân, in all matters relative to the duannee revenues, induced us to consent to such deductions being made, from the general state of that province at the last poonah, as may be deemed irrecoverable, or such as may procure an immediate relief and encouragement to the ryots in the future cultivation of their lands."

IX. That the said Mahomed Reza Khân, in the execution of the said great and important trusts and powers, was not so much as suspected of an ambitious or encroaching spirit, which might make him dangerous to the company's, then recent, authority, or which might render his precedence

injurious to the consideration due to his colleagues in office; but, on the contrary, it appears that a plan having been adopted for dividing the administration, in order to remove the nabob's jealousies, the same was in danger of being subverted by the ambition "of two of his colleagues, and the *excessive moderation of Mahomed Reza Khân.*" And for a remedy of the inconveniences which might arise from the excess of an accommodating temper, though attended with irreproachable integrity, the president and council did send one of their own members, as their deputy, to the nabob of Bengal, at his capital of Muxadavad; and this measure appears to have been adopted for the support of Mahomed Reza Khân, in consequence of an inquiry made, and advice given, by Lord Clive, in his letter of the 3d of July, 1765; in which letter he expresses himself of the said Mahomed Reza Khân as follows: "It is with pleasure I can acquaint you that, the *more I see of Mahomed Reza Khân, the stronger is my conviction of his honor and moderation;* but that, at the same time, I cannot help observing that, either from timidity, or an erroneous principle, he is too ready to submit to encroachments upon that proportion of power that has been allotted him."

X. That the nabob Jaffier Ali Khân dying in February, 1765, Mahomed Reza Khân was appointed guardian to his children, and administrator of his office, or regent, which appointment the court of directors did approve. But the party opposite to Mahomed Reza Khân having continued to cabal against him, sundry accusations were framed, relative to oppression at the time of the famine, and for a balance due during his employment of collector of the revenues; upon which the directors did order him to be deprived of his office, and a strict inquiry to be made into his conduct.

XI. That the said Warren Hastings, then lately appointed to the presidency, did, on the 1st of April, and on the

24th of September, 1772, write letters to the court of directors, informing them that, on the very next day after he had received (as he asserts) their private orders, "addressed to himself alone," and not to the board, he did despatch, by express messengers, his orders to Mr. Middleton, the resident at the nabob's court at Muxadavad, in a public character and trust with the nabob, to arrest in his capital, and at his court, and without any previous notice given of any charge, his principal minister, the aforesaid Mahomed Reza Khân, and to bring him down to Calcutta; and he did carefully conceal his said proceedings from the knowledge of the board, on pretext of his not being acquainted with their dispositions, and the influence which he thought that the said Mahomed Reza Khân had amongst them.

XII. That the said Warren Hastings, at the time he gave his orders as aforesaid for arresting the said Mahomed Reza Khân, did not take any measures to compel the appearance of any other persons as witnesses, declaring it as his opinion "that there would be little need of violence to obtain such intelligence, as they could give against their former master, when his authority is taken from him;" but he did afterwards, in excuse for the long detention and imprisonment of the said Mahomed Reza Khân, without any proofs having been obtained of his guilt, or measures taken to bring him to a trial, assure the directors, in direct contradiction to his former declaration, "that the influence of Mahomed Reza Khân still prevailed generally throughout the country, in the nabob's household, and at the capital, and was scarcely affected by his present disgrace,"—notwithstanding, as he, the said Hastings, doth confess, he had used his utmost endeavors "to break that influence, by removing his dependants, and putting the direction of all the affairs, that had been committed to his care, into the hands of the *most powerful or active of his enemies;* that he depended on the activity of their hatred to Mahomed Reza Khân, incited

by the expectation of rewards, for investigating the conduct of the latter; that with this the institution of the new duannee coincided, and that the same principle had guided him in the choice of Munny Begum and Rajah Gourdass, the former for the chief administration, the latter [the son of Nundcomar, and a mere instrument in the hands of his father] for the duannee of the nabob's household, both the *declared enemies* of Mahomed Reza Khân."

XIII. That although it might be true that enemies will become the most active prosecutors, and as such may, though under much guard and many precautions, be used even as witnesses; and that it ought not to be an exception, supposing their character and capacity otherwise good, to the appointing them to power; yet to advance persons to power on the ground not of their honor and integrity, which might have produced the enmity of bad men, but merely for the enmity itself, without any reference whatsoever to a laudable cause, and even with a declared ill opinion of the morals of one of the party, such as was actually delivered in the said letter by him, the said Hastings, of Nundcomar, (and which, time has shown, he might also on good ground have conceived of others,) was, in the circumstances of a criminal inquiry, a motive highly disgraceful to the honor of government, and destructive of impartial justice, by holding out the greatest of all possible temptation to false accusation, to corrupt and factious conspiracies, to perjury, and to every species of injustice and oppression.

XIV. That in consequence of the aforesaid motives, and others pretended, which were by no means a sufficient justification to the said Warren Hastings, he did appoint the woman aforesaid, called Munny Begum, who had been of the lowest and most discreditable order in society, according to the ideas prevalent in India, but from whom he received several sums of money, to be guardian to the nabob, in prefer-

ence to his own mother, *and to administer the affairs of the government* in the place of the said Mahomed Reza Khân, the second Mussulman in rank after the nabob, and the first in knowledge, gravity, weight, and character, among the Mussulmen of that province. And in order to try every method and to take every chance for his destruction, the said Warren Hastings did maliciously and oppressively keep him under confinement, for a part of the time without any inquiry, and afterwards with a slow and dilatory trial, for two years together.

XV. That notwithstanding a total revolution in the power, in part avowedly made for his destruction, the persons appointed for his trial did, on full inquiry, completely acquit the said Mahomed Reza Khân of the criminal charges against him, on account of which he had been so long persecuted and confined, and suffered much in mind, body, and fortune; and the court of directors, in their letter of the 3d of March, 1775, testify their satisfaction in the conduct and result of the said inquiry, and did direct the restoration of the said Mahomed Reza Khân to liberty, and to the offices which he had lately held, which comprehended the management of the nabob's household, and the general superintendency of the justice of Bengal; but, according to the orders of the court of directors, his appointments were reduced to £30,000 a year, or thereabouts, of which he did make grievous complaint on account of the expenses attendant on his station, and the heavy debts which he had been obliged to contract during his unjust persecution and imprisonment aforesaid.

XVI. That on the removal of the said Mahomed Reza Khân from the superintendency of the criminal justice, and in consequence of letting the province of Bengal in farm by the said Warren Hastings, several dangerous and mischievous innovations were made by him the said Warren Hastings, and the criminal justice of the country was almost wholly

subverted, and great irregularities and disorders did actually ensue.

XVII. That the council general, established by act of parliament in the year 1773, did restore the said Mahomed Reza Khân, with the consent and approbation of the nabob, (but under a protest from the said Warren Hastings,) to his liberty, and to his offices, according to the spirit of the orders given by the court of directors as aforesaid; and the court of directors did approve of the said appointment, and did assure the said Mahomed Reza Khân of their favor and protection, as long as his conduct should merit the same, in the following terms: "As the abilities of Mahomed Reza Khân have been sufficiently manifested; as official experience qualifies him for so high a station in a more eminent degree than any other native with whom the company has been connected; and as no proofs of maladministration have been established against him, either during the strict investigation of his conduct, or since his retirement, we cannot, under all circumstances, but approve your recommendation of him to the nabob to constitute him his naib. We are well pleased that he has received that appointment, and authorize you to assure him of our favor, so long as a firm attachment to the interest of the company, and a proper discharge of the duties of his station, shall render him worthy of our protection." And the said Mahomed Reza Khân did continue to execute the same, without any complaint whatsoever of malversation or negligence, in any manner or degree, in his said office.

XVIII. That, in March, 1778, the said Warren Hastings, under color that the nabob had completed his twentieth year, and had desired to be placed in the entire and uncontrolled management of his own affairs, and that Mahomed Reza Khân should be removed from his office, and that Munny Begum his stepmother, the dancing girl aforesaid,

"should take on herself the management of the nizamut [the government and general superintendency of criminal justice] without the interference of any person whatsoever;" and, notwithstanding the contradictions in the pretended applications from the nabob, with whose incapacity for all affairs he was well acquainted, did, in defiance of the orders of the court of directors, and without regard to the infamy of an arrangement made for the evident and declared purpose of delivering not only the family with the prince, but the government and justice of a great kingdom, into such insufficient, corrupt, and scandalous hands; and though he has declared his opinion "that our national character is concerned in the character which the nabob may obtain in the public opinion," on obtaining a majority in council, without any complaint, real or pretended, remove the said Mahomed Reza from all his offices, and did partition his salary as a spoil in the following manner:—to Munny Begum, the dancing girl aforesaid, an additional allowance of 72,000 rupees [£7,200] a year; to the nabob's own mother but half that sum, that is to say, 36,000 rupees [£3,600] a year; to Rajah Gourdas, son of Nundcomar, (whom he had described as a weak young man,) 72,000 rupees [£7,200] a year, as controller of the household; and to a magistrate, called Sudder ul Hock, who in real subserviency to the said Munny Begum was nominally to act in the department of criminal justice, 78,000 rupees [£7,800] a year; the total of which allowances exceeding the salary of Mahomed Reza Khân by 18,000 rupees [£1,800] yearly, he did, for the corrupt and scandalous purposes aforesaid, order the same to be made up from the company's treasury.

XIX. That Mr. Francis and Mr. Wheler having moved that the execution of the aforesaid arrangement, the whole expense of which, ordinary and extraordinary, was charged upon the company's treasury, and therefore could not be even colorably disposed of at the pretended will of the said nabob,

might be suspended until the pleasure of the court of directors thereon should be known; and the same being resolved agreeably to law by a majority of the council then present, the said Hastings, urging on violently the immediate execution of his corrupt project, and having obtained, by the return of Richard Barwell, Esq., a majority in council in his own casting vote, did rescind the aforesaid resolution, and did carry into immediate execution the aforesaid most unwarrantable, mischievous, and scandalous design.

XX. That the consequences, which might be expected from such a plan of administration, did almost instantly flow from it. For the person appointed to execute one of the offices, which had been filled by Mahomed Reza Khân, did soon find that the eunuchs of Munny Begum began to employ their power with superiority and insolence in all the concerns of government, and the administration of justice, and did endeavor to dispose of the offices relative to the same for their corrupt purposes, and to rob the nabob's servants of their due allowances; and, in his letter of the 1st September, 1778, he sent a complaint to the board, stating "that certain bad men had gained an ascendancy over the nabob's temper, by whose instigation he acts." And, after complaining of the slights he received from the nabob, he adds, "Thus they cause the nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that, by compelling me to displeasure at most unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."

XXI. That, in a subsequent letter to the governor, the said superintendent of justice did inform him, the said Warren Hastings, of the audacious and corrupt manner in which,

by violence, fraud, and forgery, the eunuchs of Munny Begum had abused the nabob's name, to deprive the judicial and executory officers of justice of the salaries which they ought to have drawn from the company's treasury, in the following words:—"The begum's ministers, before my arrival, with the advice of their counsellors, caused the nabob to sign a receipt, in consequence of which they received, at two different times, near 50,000 rupees [£5,000] in the name of the officers of the adawlut, fousdary, &c., from the company's sircars; and, having drawn up an account current *in the manner they wished*, they had got the nabob to sign it, and sent it to me." And in the same letter he asserts "that these people had the nabob entirely in their power."

XXII. That the said Warren Hastings, upon this representation, did, notwithstanding his late pretended opinion of the fitness and the right of the nabob to the sole administration of his own affairs, authoritatively forbid him from any interference therein, and ordered that the whole should be left to the magistrate aforesaid; to which the nabob did, notwithstanding his pretended independence, yield an immediate and unreserved submission; for the said Hastings's order being given on the first of September, at Calcutta, he received *an answer* from Muxadavad on the third, in the following terms:—"Agreeably to your pleasure I have relinquished all concern with the affairs of the fousdary and adawlut, leaving the entire management in Judder ul Hock's hands." Which said circumstance, as well as many others, abundantly proves that all the nabob's actions were, in truth and fact, entirely governed by the influence of the said Hastings; and that however the said Hastings may have publicly discouraged the corrupt transactions of the said court, yet he did secretly uphold the authority and influence of Munny Begum, who did entirely direct, with his knowledge and countenance, all the proceedings therein. For,

XXIII. That on the 13th of the same month of September he did receive a further complaint of the corrupt and fraudulent practices of the chief eunuch of the said Munny Begum; and these corrupt practices did so continue and increase, that, on the 10th of October, 1778, he was obliged to confess, in the strongest terms, the pernicious consequences of his before-created unwarrantable and illegal arrangements; for, in a letter of that date to the nabob, he expresses himself as follows: "At your excellency's request I sent Sudder ul Hock Khân to take on him the administration of the affairs of the adawlut and fousdary, and hoped by that means not only to have given satisfaction to your excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner as to have secured the peace of the country, and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the fousdary and adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them; in reply to which your excellency expressed sentiments coincident with mine; notwithstanding which your dependants and people, actuated by *selfish and avaricious views, have by their interference so impeded the business, as to throw the whole country into a state of confusion; from which nothing can retrieve it but an unlimited power, lodged in the hands of the superintendent.* I therefore request that your excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the adawlut and fousdary; and that you will yourself relinquish all interference therein, and leave them entirely to

the management of Sudder ul Hock Khân: this is absolutely necessary to restore the country to a state of tranquillity." And he concluded by again recommending the nabob to withdraw all interference with the administrator aforesaid; "otherwise a measure, which I adopted at your excellency's request, and with a view to your satisfaction and the benefit of the country, will be attended with quite contrary effects, and bring discredit on me."

XXIV. That the said Hastings, in the letter aforesaid, in which he so strongly condemns the acts, and so clearly marks out the mischievous effects, of the corrupt influence under which alone the nabob acted, and under which alone, from his known incapacity, and his dependence on the person supported by the said Hastings, he could act, did propose to put all the offices of justice (which on another occasion he had requested him to *permit* to remain in the hands which then held them) into his own disposal; telling him, or rather the woman and eunuchs who governed him, "that, if his excellency has any plan for the management of the affairs in future, be pleased to communicate it to me, and every attention shall be paid to give your excellency satisfaction." By which means not only particular parts, as before, but the whole system of justice was to be afloat, and to be subject to the purposes of the aforesaid corrupt cabal of women and eunuchs.

XXV. That the court of directors, on receiving an account of the above arrangements, and being well apprized of the spirit, intention, and probable effect of the same, did, in a clear, firm, and decisive manner, express their condemnation of the measure, and their rejection and reprobation of all the pretended grounds and reasons on which the same was supported; marking distinctly his prevarication and contradictions in the same, and pointing to him their full conviction of the unworthy motives on which he had made

so shameful an arrangement; telling him, in the 17th paragraph of their general letter, of the 4th of February, 1779, "The nabob's letters of the 25th and 30th of August, of the 3d of September, and 17th of November, leave us no doubt of the *true* design of this *extraordinary* business being to *bring forward* Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration that so *great* a part of the nabob's allowance had been embezzled and misapplied under her superintendence."

XXVI. That, in consequence of the censure and condemnation of the unwarrantable measures of the said Warren Hastings by the court of directors, on the aforesaid and other weighty and substantial grounds, they did order and direct as follows, in the 20th paragraph of the general letter of the same date: "As we deem it for the welfare of the country that the office of naib subadar be for the present continued, and that this high office should be filled by a person of wisdom, experience, and of approved fidelity to the company; and as we have no reason to alter the opinion given of Mahomed Reza Khân, in our letter of the 24th of December, 1776; we positively direct that you forthwith signify to the nabob, Mobarek ul Dowla, our pleasure that Mahomed Reza Khân be immediately restored to the office of naib subadar; and we further direct that Mahomed Reza Khân be again assured of the continuance of our favors, so long as a firm attachment to the interests of the company, and a proper discharge of the duties of his station, shall render him worthy of our protection."

XXVII. That the aforesaid direction did convey in it such evident and cogent reason, and was so far enforced by justice to individuals, and by regard to the peace and happiness of the natives, as well as by the common decorum to be observed in all the transactions of government, that the

said Hastings ought to have yielded a cheerful obedience thereto, even if he had not been by a positive statute, and his relation of servant to the company, bound to that just submission. Yet the said Hastings did, without denying or evading any one of the reasons assigned by the court of directors, or controverting the scandalous motives assigned by them for his conduct, contumaciously refuse obedience to the above positive order, on pretence that the nabob, who, he had declared it on record, "to be as visible as the light of the sun, is a mere pageant, and without even the shadow of authority," did dissent from the same; and he did encourage the said nabob, or rather the eunuchs, the corrupt ministers of Munny Begum, to oppose himself and themselves to the authority of the said court of directors; by which means the arrangement, three times either ratified or expressly ordered by them, was wholly defeated; the aforesaid corrupt system was continued; Mahomed Reza Khân was not restored to his office; and a lesson was taught to the natives of all ranks, that the declared approbation, the avowed sanction, and the decided authority of the court of directors were wholly nugatory to their protection against the corrupt influence of their servants.

XXVIII. That the said Warren Hastings, on a reconciliation with Mr. Francis, one of the council general, who made it a condition thereof, that certain of the company's orders should be obeyed, and that Mahomed Reza Khân should be restored to his offices, did, a considerable time after, notwithstanding the pretended reluctance of the nabob, and his pretended freedom, make, for his convenience in the said accommodation, the arrangement which he had unwarrantably and illegally refused to the orders of the court of directors; and did, of his own authority and that of the board, restore Mahomed Reza Khân to his offices.

XXIX. That soon after the departure of the said Mr.

Francis he did again deprive the said Mahomed Reza Khân of his said offices, and did make several great changes in the constitution of the criminal justice in the said country; and after having, under pretence of the nabob's sufficiency for the management of his own affairs, displaced, without any specific charge, trial, or inquiry, whatsover, the said Mahomed Reza Khân, he did submit the said nabob to the entire direction, in all parts of his concerns, of a resident of his own nomination, Sir John Doyley, Bart., and did order an account of the most minute parts of his domestic economy to be made out, and to be delivered to the said Sir John Doyley, in the following words, contained in a paper by him intitled INSTRUCTIONS from the governor-general to the Nabob Mobarek ul Dowla, respecting his conduct in the management of his affairs: "You will be pleased to direct your mutta seddies to form an account of the fixed sums of your monthly expenses, such as servants' wages in the different departments, pensions, and other allowances, as well as of the estimated amount of variable expenses, to be delivered to Sir John Doyley, *for my inspection.* I have given such orders to Sir John Doyley as will enable him to propose to you such reductions of the pensions and other allowances, and such a distribution of the variable expenses, as shall be proportionable to the total sum of your monthly income; *and I must request you will conform to it.*" And he did, in the subsequent articles of his said instructions, order the whole management to be directed by Sir John Doyley, subject to his own directions, as aforesaid; and did even direct what company he should keep; and did throw reflections on some persons, in places the nearest to him, as of bad character and base origin—persons whom he should decline to name as such, "unless he heard that they still availed themselves of his goodness to retain *the places* which they improperly hold near his person." And he did particularly order the said nabob not to admit any English, but such as the said Sir John Doyley should approve, to his presence; and did

repeat the said order in the following peremptory manner: "You *must forbid any* person of *that nation* to be intruded into *your* presence, without *his* introduction." And he did require his obedience in the following authoritative style: "I shall think myself obliged to interfere *in another manner*, if you neglect it."

XXX. That he the said Warren Hastings did insult the captive condition of the said nabob by informing him, in his imperious instructions aforesaid, that this total, blind, and implicit obedience, in every respect whatsoever, to Sir John Doyley and himself personally, and without any reference to the board, "was the very *conditions* of the compliance of the governor-general and council with his late requisition;" which requisition was that he should enjoy *the free and uncontrolled* management of his own affairs. And though the said captive did offer, as he the said Hastings himself admits, *four lacks* of his stipend, at that time reduced to sixteen lacks, for *the free use of the remainder*, yet he did place him the said nabob in the state of servitude in the said instructions laid down but a very short time after he had assumed and used the said nabob's independent rights as a ground for refusing to obey the company's orders; and although he has declared, or pretended, on another occasion, which he would have thought similar, that any attempt to limit the household expenses of the nabob of Oude was an indignity "which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, without the want or forfeiture of every manly principle."

XXXI. That the said Warren Hastings did order the said stipend (which was to be distributed, in the minutest particular, according to the said Hastings's personal directions) to be paid monthly, not to any officer of the nabob, but to the said resident, Sir John Doyley. And whereas the

governor-general and council did, on the appointment of Mahomed Reza Khân, according to their duty, instruct him that "he do conform to the *orders* of the company, which direct that an annual account of the nabob's expenses be transmitted, through the resident at the durbar, for the inspection of this *board*," the said Hastings, in making his new establishment in favor of his resident, did wholly omit the said instruction, and did confine the said communication to *himself* privately. And in fact it does not appear that any account whatsoever of the disposition of the said large sum, exceeding £160,000 sterling a year, has been laid before the board, or, at least, that any such account has been transmitted to the court of directors; and it is not fitting that any British servant of the company should have the management of any public money, much less of so great a sum, without a public well vouched account of the specific expenditure thereof.

XXXII. That the court of directors did, on the 17th of May, 1766, propose certain rules for regulating the correspondence of the resident with the nabob of Bengal, in which they did direct, as a principle for the said regulations, as follows (paragraph 16th): "We would have his correspondence to be carried on with the *select committee*, through the channel of the president; he should keep a diary of all his transactions. His correspondence with the natives *must be publicly conducted;* copies of *all* his letters, sent and received, be transmitted monthly to the presidency, with duplicates and triplicates to be transmitted home in our general packet by every ship."

XXXIII. That the president and select committee (Lord Clive being then president) did approve of the whole substantial part of the said regulation (the diary excepted); and the principle, in all matters of account, ought to have been strictly adhered to, whatever limitations may have been given to the office of resident. Yet he the said Warren

Hastings, in defiance of the aforesaid good rules, orders, and late precedent in conformity to the same, did not only withhold any order for the purpose, but, in order to carry on the business of the said durbar in a clandestine manner for his own purposes, did, as aforesaid, exclude all English from an intercourse with the nabob, who might carry complaints or representations to the board, or the court of directors, of his condition, or the conduct of the resident; and did further, to defeat all possible publicity, insinuate to him to give the preference to verbal communication, above letters, in the words following, of the 9th article of his instructions to the nabob: "Although I desire to receive your letters frequently, yet, as many matters will occur, which cannot be so *easily explained by letters as by conversation*, I desire that you will on such occasions give your orders to him respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give an immediate, and the most satisfactory reply concerning them." Accordingly, no relation whatsoever has been received by the court of directors of the said nabob's affairs; nor any account of the money monthly paid, except from public fame, which reports that his affairs are in great disorder, his servants unpaid, and many of them dismissed, and all the Mussulmen dependent on his family in a state of indigence.

XVIII. THE MOGUL DELIVERED UP TO THE MAHRATTAS.

I. That Shâh Allum, the prince, commonly called The Great Mogul, or, by eminence, *The King*, is, or lately was, in the possession of the ancient capital of Hindostan; and though without any considerable territory, and without a revenue sufficient to maintain a moderate state, he is still much respected and considered; and the custody of his person is eagerly sought by many of the princes in India, on account of the use to be made of his title and authority; and it was for the interest of the East-India Company that while, on one hand, no wars shall be entered into in support of his pretensions, on the other, no steps should be taken which may tend to deliver him into the hands of any of the powerful states of that country; but that he should be treated with friendship, good faith, and respectful attention.

II. That Warren Hastings, in contradiction to this safe, just, and honorable policy, strongly prescribed and enforced by the orders of the court of directors, did (at a time when he was engaged in a negotiation, the declared purpose of which was to give peace to India) concur with the captain-general of the Mahratta state, called Madajee Scindia, in hostile designs against the few remaining territories of that same Mogul emperor, by virtue of whose grant the company actually possess the government, and enjoy the revenues, of great provinces, and also against the possessions of a Mahomedan chief, called Nudjif Cawn, a person of much merit with the East-India Company; in acknowledgment of which they had granted him a pension, included in the tribute due to the king, and, together with that tribute, taken from him by the

said Warren Hastings though expressly *guarantied* to him by the company. With both these powers the company had been in friendship, and were actually at peace at the time of the said clandestine concurrence in a design against them; and the said Hastings hath since declared that the right of one of them, namely, "the right of the Mogul emperor, to our assistance has been constantly acknowledged."

III. That the said Warren Hastings, at the time of his treacherous concurrence in a design against a power which he was himself of opinion we were bound to assist, and against whom there was no doubt he was bound neither to form nor to concur in any hostile attempt, did give a caution to Colonel Muir, to whom the negotiation aforesaid was intrusted on the part of the company, against "inserting any thing in the treaty which might *expressly* mark our *knowledge* of his [the Mahratta general's] views *or concurrence in them.*" Which said transaction was full of duplicity and fraud; and the crime of the said Hastings therein is aggravated by his having some years before withheld the tribute which by treaty was solemnly agreed to be paid to the said king, on pretence that he had thrown himself, for the recovery of his city of Delhi, on the protection of the Mahrattas, whom the said Warren Hastings then called *the natural enemies* of the company, and the growth of whose power he then alleged to be highly dangerous to the interest of this kingdom in India.

IV. That after having concurred, in the manner before mentioned, in a design of the Mahrattas against the mogul; and notwithstanding he the said Warren Hastings had formerly declared "that with him [the mogul] our connection had been a long time suspended, and *he wished never to see it renewed,* as it had proved a fatal drain to the wealth of Bengal, and the treasury of the company, without yielding one advantage or possible resource, even of remote benefits, in re-

turn," the said Warren Hastings did, nevertheless, on or about the month of March, 1783, with the privity and consent of the members of the board, but by no authoritative act, despatch, as agents of him the governor-general only, and not as agents of the governor-general and council, as they ought to have been, certain persons, among whom were Major Browne and Major Davy, to the court of the king at Delhi, and did there enter into certain engagements with the said king by the means of those agents, and did carry on certain private and dangerous intrigues for various purposes, particularly for making war in favor of the said king, against some powers or princes not precisely described, but which, as may be inferred from a subsequent correspondence, were certain Mahomedan princes in the neighborhood of Delhi, in amity with the company, and some of them at that time in the actual service, and in the apparent confidence and favor, of the said mogul; and he did order Major Browne to offer to the Mogul king to provide for the *entire* expense of *any* troops the shâh [the said king] might require; and the proposal was accordingly accepted with the conditions annexed; by which proposal, and acceptance thereof, the East-India Company was placed in a situation of great and perplexing difficulty, since either they were to engage, at an unlimited *expense*, in new wars, contrary to their orders, contrary to their general declared policy, and contrary to the published resolutions of the house of commons, and wholly incompatible with the state of their finances; or, to preserve peace, they must risk the imputation of a new violation of faith, by departing from an agreement made on the voluntary proposal of their own government; the agent of the said Hastings having declared, in his letter to the said Hastings, by him communicated to the board," that the business of assisting the shâh [the Mogul emperor] can and *must* go on, if we wish to be secure in India, or regarded as a nation of faith and honor."

V. That the said Warren Hastings did, on the 20th day

of January, 1784, send in circulation to the other members of the council a letter to him from his agent, Major Browne, dated at Delhi, on the 30th of December, 1783, viz., that letter, to which the foregoing references are made, in which the said Browne did directly press, and indirectly (though sufficiently and strongly) suggest, several highly dangerous measures for realizing the general offers and engagements of the said Warren Hastings;—proposing that, besides a proportion of field-artillery, and a train of battering cannon for the purpose of sieges, six regiments of sepoys in the company's service should be transferred to that of the said king, and that certain other corps should also be raised for the said service in the English provinces and dependencies, to be immediately under the king's [the mogul's] orders, and to be maintained by assignments of territorial revenue within the province of Oude, a dependent member of the British government, but with a caution against having any British officer with the same; the said Major Browne expressing his caution as followeth:—"If any European officer *be* with this corps, a very nice judgment indeed must direct the choice; for scarce any are in the smallest degree *fit* for *such* employ, but much more likely to do harm than good." And the letter aforesaid being without any observation thereon, or any disavowal of the matters of fact, or of the counsels so strongly and authoritatively delivered therein by the said Warren Hastings's agent, and without any mark of disapprobation of any part of his plan, whether that of the assignment of territory belonging to the company's allies for the maintenance of troops which were to be by that plan put under the orders of a foreign independent power, or that of employing the said troops without any British officer with them; or for his alarming observation by him entered on the company's records, which, if not an implied censure on the nature of the service, in which British officers are supposed improper to be trusted, is a strong reflection on the character of the British officers, which was to render them unfit to be employed in an honor-

able service—the said Warren Hastings did thereby give a countenance to the said unwarrantable and dangerous proposals and reflections.

VI. That, a considerable time before the production and circulation of Major Browne's letter, the said Hastings did enter a minute of consultation, containing a proposition similar, in the general intent, to that in the said letter contained for assisting the mogul with a military force; but the other members of the board did disagree thereto, and, being alarmed at the disposition so strongly shown by the said Hastings to engage in new wars and dangerous foreign connections, and possibly having intelligence of the proceedings of his agent, did call upon him to produce his instructions to Major Browne; and he did, on the 5th of October, 1783, and not before, enter on the consultations a certain paper, purporting to be the instructions which he had given to Major Browne the preceding March, the time of his the said Browne's appointment; in which pretended instructions no direction whatsoever was given to the effect of his the said Hastings's minute of consultation, or propounded; that is to say, no power was given in the said instructions to make a direct offer of military aid to the mogul, or to form the arrangements stated by the said Browne, in his letter to the said Hastings, as having been made by the express authority of the said Hastings himself. But the said instructions contained nothing further on that subject but a conditional direction that, in case a military force should be required for the mogul's aid or protection, the major is to know the service on which it is to be employed, and the resources from whence it is to be paid; and the instructions produced as his real instructions by the said Hastings are so guarded as to caution the said Browne against *taking any part in the intrigues of those who are about the king's person.* By which letters, instructions, and transactions, compared with each other, it appears that the said Warren Hastings, after six months' delay in entering of (con-

trary to the company's order) any instructions to the said Browne, did at last enter a false paper as the true, or that he did give other secret instructions totally different from, and even opposite to, his public ostensible instructions, thereby to deceive the council, and to carry on, with less obstructions, dark and dangerous intrigues, contrary to the orders of the court of directors, to the true policy of this kingdom, and to the safety of the British possessions in the east.

VII. That the said letter from Major Browne was by the said Warren Hastings transmitted to the court of directors, without being accompanied by any part of the previous correspondence; by which wilful concealment the said Warren Hastings is guilty of an high and criminal disrespect to the court of directors, and of a most flagrant breach and violation of their orders, which he was bound by an act of parliament to obey.

VIII. That the said Hastings having early in the year 1784 procured to himself a deputation to act in the upper provinces, the council, being well aware of his disposition to engage in unwarrantable designs against the neighboring states, did expressly confine his powers to the circumstance of his actual residence within the company's provinces; but it appears that ways were found out, by which he hoped to defeat the precautions of the board: for the said Warren Hastings did write from Lucknow, the capital of the country of Oude, to the court of directors a certain postscript of a letter, dated the 4th of May, 1784, in which he informs the court that the son and heir-apparent of the great mogul had taken refuge with him and the nabob of Oude; that he had a conference with that prince on the 10th of the same month of May, "no person being either present or within hearing" during the same, and that in the said conference the prince had informed him of the distresses of his father, and his wish for the relief of the king, and the restoration of the dominions

of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and sordid designs; and that, on a failure of his application to him, he would either return to his father, or proceed to Calcutta, and thence to England; and that the said Warren Hastings did give him an answer to the following effect: "that our [the British] government had just obtained relief from a state of universal warfare, and required a term of repose; that our whole nation was weary of war, and dreaded the renewal of it, *and would be equally alarmed at any movement of which it could not see the issue or progress, but which might eventually tend to create new hostilities;* that he came hither [to Lucknow] with a limited authority, and could not, if he chose it, engage in any business of that nature *without the concurrence of his colleagues in office, who he believed would be averse to it;* that he would represent the same to the joint members of his own government, and wait their determination. In the mean time he advised the prince to make advances to Madajee Scindia, both because our government *was in intimate and sworn connection* with him, and because he was the effectual head of the Mahratta state; besides, that he the said Warren Hastings feared his [Scindia's] taking the other side of the question, unless he was early prevented."

IX. That, in the statement of this discourse, there is much criminal reserve towards the court of directors, it not appearing distinctly what the objects were, nor who the persons concerned, nor what the side was, which he apprehended the Mahrattas might take, if not prevented by his advances: and in the discourse itself there were many particulars highly criminal; namely, for that in the said conversation, in which he describes himself as declining a compliance with the request of the prince on account of the aversion (therein strongly expressed) of his colleagues, of the company, and of the whole British nation, to engage in any measures which might even

"*eventually lead to hostilities*"—he spoke to the prince as if he had been entirely ignorant of the offers which but five months before had been made to the king, his father, on the part of that very government, (whose repugnance to such measures he then for the first time chose to profess, but which he always had known,) through Major Browne, the company's representative at the court of Delhi, "to provide for the *entire* expense of *any* troops which the shâh [the king] might require;" and that this was "what the resident had *always* proposed to the king and his confidential ministers;" the said Browne further declaring "that if, in consequence of the said proposals, certain arrangements for the shâh's service, by *troops*, were not immediately ordered, in his opinion all our [English government's] *offers and promises* will be considered as false and insidious." This being the known state of the business, as represented by the said Hastings's own agent, and this the public opinion of it, although to impose on the ignorance of the prince with regard to the proceedings at his father's court would have been unworthy in itself, yet he, the said Warren Hastings, could not hope to succeed in such imposition, as in the postscript aforesaid he represents the said prince [who was the king's eldest son, and thirty-six years of age] as a person of considerable qualifications, and perfectly acquainted with the transactions at his father's court, and as one who had long held the *principal* and most active part in the little that remained of the *administration of Shâh Allum*. And the said Hastings conferring with a prince so well instructed, without making the slightest allusions to his said positive and recent engagements, or without giving any explanation with regard to them, the said Warren Hastings must appear to the said prince, either as a person not only contracting engagements, but actually being the first mover and proposer of them, without any authority from *his colleagues*, and against theirs and the general inclination of the British nation, and on that ground not to be trusted; or that he had used this plea of disagreement be-

tween him and his council as a pretence, set up without color or decency, for a gross violation of his own engagements; leaving the princes and states of the country no solid ground on which they can or ought to contract with the company, to the utter destruction of all public confidence, and to the equal disgrace of the national candor, integrity, and wisdom.

X. That, in a letter dated from the same place, Lucknow, the 16th of the following June, 1784, the said Warren Hastings informs the court of directors that Major Browne, their agent to the mogul, had arrived there in the character also of agent from the mogul, with two sets of instructions from two opposite parties in his ministry, which instructions were directly contrary to each other; the first, which were the ostensible instructions, being to engage the said Hastings, in the mogul's name, to enter into a treaty of mutual alliance with the chief of the country, then minister to the said mogul, called Affrasaib Khân; the second were from another principal person, called Mudjed ul Dowla, also a minister of the said mogul, (but styled in the said letter *confidential*, for distinction,) which were directly destructive of the former; and the said latter instructions, to which it seems credence was to be given, were sent "under the most solemn adjurations of secrecy." The purpose of these latter and secret instructions was to require the company's aid in freeing the mogul from the oppressions of his servants, namely, from the oppressions of the said *Affrasaib*, between whom and the company Major Browne (at once agent to that company and to two opposite factions in the mogul's court) accepted a power to make a treaty of mutual alliance under the sanction of his sovereign; and it does not appear that he, Warren Hastings, did discountenance the double dealing and fraudulent agencies of his and the company's minister at that court; or did disavow any particular in the letter from him, the said Browne, of the 30th of December, 1783, stating the offers made on his part to the mogul, so contradictory to his late

declarations to the heir-apparent of that monarch, or did give any reprimand to the said Browne, or did show any mark of displeasure against him, as having acted without orders, but did again send him, with renewed consequence, to the court aforesaid.

XI. That the said Warren Hastings, still pursuing his said evil designs, did apply to the council for discretionary powers relative to the intrigues and factions in the mogul's court, giving assurances of his resolution not to proceed against their sense; but the said council, being fully aware of his disposition, and having Major Browne's letter, recorded by himself, the said Warren Hastings, before them, did refuse to grant the said discretionary powers; but, on the contrary, did exhort him "most sedulously and cautiously to avoid, in his correspondence with the different princes in India, whatever may commit, or be strained into an interpretation of committing, the company, either as to their army or treasure;" observing "that the company's orders are positive against their interference in the objects of dispute between the country powers."

XII. That in order to subvert the plain and natural interpretation given by the council to the orders of the court of directors, and to justify his dangerous intrigues, the said Warren Hastings, in his letter of the 16th June, 1784, to the said court, did, in a most insolent and contemptuous manner, endeavor to persuade them of their ignorance of the true sense of their own orders, and to limit their prohibition of interference with the disputes of the country powers to such country powers as are *permanent;* expressing himself as follows: "The faction which now surrounds the throne [the mogul's throne] is widely different from the idea which your commands are intended to convey by the expressions, to which you have generally applied them, of *country powers*, to which that of *permanency is a neces-*

sary adjunct; and which may be more properly compared to a splendid bubble, which the slightest breath of opposition may dissipate with every trace of its existence." By which construction the said Hastings did endeavor to persuade the court of directors that they meant to confine their prohibition of sinister intrigues to those powers only, who could not be easily hurt by them, and whose strength was such that their resentment of such clandestine interference was to be dreaded; but that, where the powers were weak and fragile, such intrigues might be allowed.

XIII. That the said Hastings, further to persuade the court of directors to involve themselves in the affairs of the mogul, and to reconcile this measure with his former conduct and declared opinions, did write to them to the following effect; that "at that former period, to which the ancient policy with regard to the mogul applied, the king's authority was sufficiently respected [which he knew not to be true, having himself declared, in his minute of the 25th of October, 1774, 'that he remained at Delhi, the ancient capital of the empire, a *mere cipher* in the administration of it'] to maintain itself against common vicissitudes. That he would not have advised interference if the king himself retained the exercise of it, *however feeble*, in his own hands. That if it [the mogul's authority] is suffered to receive its final extinction, it is impossible to foresee *what power may arise out of its ruins*, or what events may be linked in the same chain of revolution with it: but your interests *may* suffer by it—your reputation *certainly will*, as his right to our assistance has *been constantly acknowledged*, and by a train of consequences to which our government has, not intentionally, given birth; but most especially by the movements, which *its influence by too near an approach* has excited, it has unfortunately become the efficient instrumentof a great portion of the king's present distresses and dangers;" intimating (as well as the studied obscurity of his expres-

sions will permit any thing to be discerned) that his own late intrigues had been among the causes of the distresses and dangers which, by new intrigues, he did pretend to remove: and he did conclude this part of his letter with some loose general expressions of his caution not to affect the company's interests or revenues by any measures he might at that time take.

XIV. That the principle, so far as the same hath been directly avowed, of the said proceedings at the mogul's court, was as altogether irrational, and the pretended object as impracticable, as the means taken in pursuit of it were fraudulent and dishonorable, namely, the restoration of the mogul in some degree to the dignity of his situation, and to his free-agency in the conduct of his affairs. For the said Hastings, at the very time in which he did with the greatest apparent earnestness urge the purpose, which he pretended to have in view, with regard to the dignity and liberty of the Mogul emperor, did represent him as a person wholly disqualified, and even indisposed, to take any active part whatsoever in the conduct of his own affairs; and that any attempt for that purpose would be utterly impracticable: and this he hath stated to the court of directors as a matter of public notoriety, in his said letter of the 16th of June, 1784, in the following emphatical and decisive terms:

"*You need not be told* the character of the king, whose inertness, and the habit of long suffering, have debased his dignity and the fortunes of his house *beyond the power of retrieving either the one or the other.* Whilst his personal repose is undisturbed, he will *prefer* to live in the *meanest state of indigence*, under the rule of men whose views are bounded by avarice, and the power which they derive from his authority, rather than commit any share of it to his own sons, though his affection for them is boundless in every other respect; from a natural jealousy, founded on the experience of a very different combination of those circum-

stances which once served as a temptation and example of unlawful ambition in the princes of the royal line. His ministers, from a policy more reasonable, have constantly employed every means of influence to confirm this disposition, and to prevent his sons from having any share in the distribution of affairs, so as to have established a complete usurpation of the royal prerogative under its own sanction and patronage."

XV. That the said Warren Hastings, having given this opinion of the sovereign, for whose freedom he pretended so anxious a concern, did describe the minister, with whom he had long acted in concurrence, and from whom he had just received the extraordinary secret embassy aforesaid for the purpose of effecting the deliverance of his master, the mogul, from the usurpations of *his ministers*, as follows: "The first minister, Mudjud ul Dowla, is *totally* deficient in every military quality; conceited of his own superior talents; and formed to the practice of *that crooked policy which generally defeats its own purpose*, but sincerely attached to his master." The reality of the said attachment was not improbable, but altogether useless, as the said minister was the only one among the principal persons about the king, who (besides the total want of all military and civil ability) possessed no territories, troops, or other means of serving and supporting him; but was himself solely upheld by his influence over his master; neither doth the said Hastings free him any more than the persons more efficient, who were to be destroyed, from a disposition to alienate the king from an attention to his affairs, and from all confidence in his own family; but, on the contrary, he brings him forward as the very first among the instances he adduces to exemplify the practices of the ministers against their sovereign and his children.

XVI. That the said Warren Hastings, recommending in

general terms, and yet condemning in detail, every part of his own pretended plan, as impracticable in itself, and as undertaken in favor of persons, all of whom he describes as incapable, and the principal as indisposed to avail himself thereof, must have had some other motives for this long, intricate, dark, and laborious proceeding with the mogul, which must be sought in his actions, and the evident drift and tendency thereof, and in declarations which were brought out by him to serve other purposes, but which serve fully to explain his real intentions in this intrigue.

XVII. That the other members of the council general having abundantly certified their averseness to his intrigues, and even having shown apprehensions of his going personally to the mogul and the Mahrattas for the purpose of carrying on the same, the said Hastings was driven headlong to acts which did much more openly indicate the true nature and purpose of his machinations; for he at length recurred directly, and with little disguise, to the Mahrattas, and did open an intrigue with them, although he was obliged to confess, in his letter aforesaid of the 16th of June, 1784, that the exception, which he contended to be implied in the orders of the court of directors, forbidding the intermeddling in the disputes of "the country powers," namely, "powers not permanent," did by no means apply to the Mahrattas; and he informs the court of directors that he did, on the very first advice he received of the flight of the mogul's son, write to Mr. James Anderson, to apprize the Mahratta chief Scindia of that event; "for which, as he was unprepared, he desired his [the said Scindia's] advice for his conduct on the occasion of it." Which method of calling for the advice of a foreign power to regulate his political conduct, instead of being regulated therein by the advice of the British council, and the standing orders of the court of directors, was a procedure highly criminal; and the crime is aggravated by his not communicating the said correspondence

to the council general, as by his duty he was bound to do; but it does abundantly prove his concert with the Mahrattas in all that related to his negotiations in the Mogul court, which were carried on agreeably to their advice, and in subserviency to their views and purposes.

XVIII. That, in consequence of the cabal begun with the Mahrattas, the said chief Scindia did send his "familiar and confidential ministers" to him, the said Hastings, being at Lucknow, with whom the said Hastings did hold several secret conferences, without any secretary, or other assistant; and the said Hastings hath not conveyed to the court of directors any minutes thereof, but hath purposely involved even the general effect and tendency of these conferences in such obscurity that it is no otherwise possible to perceive the drift and tendency of the same, but by the general scope of counsels and acts relative to the politics of the mogul and of the Mahrattas together, and by the final event of the whole, which is sufficiently visible. For,

XIX. That the said Hastings had declared, in his said letter of the 16th June, 1784, that the mogul's right to our assistance had been constantly acknowledged; that the mogul had been oppressed by the lesser Mahomedan princes in the character of his officers of state, and military commanders; and he did plainly intimate that the said mogul ought to be relieved from that servitude. And he did, in giving an account to the court of directors of the conferences aforesaid, assure them that "his inclinations [the inclinations of the Mahratta chief aforesaid] were not very dissimilar from his own;" and that "neither in this, nor in any other instance, would he suffer himself to be drawn into measures which shall tend to weaken their connection, nor *in this even to oppose his* [the said chief's] *inclinations;*" the said Hastings well knowing, as in his letter to Colonel Muir he has confessed, that the inclinations of the said Scindia were to

seize on the mogul's territories, and that he himself did secretly concur therein, though he did not formally insert his concurrence in the treaty with the said Mahratta chief. It is plain, therefore, that he did all along concur with the Mahrattas in their designs against the said king and his ministers, under the treacherous pretence of supporting the authority of the former against the latter, and did contrive and effect the ruin of them all. For, first, he did give evil and fraudulent counsel to the heir-apparent of the mogul "to make advances to the Mahrattas," when he well knew, and had expressly concurred in, the designs of that state against his father's [the mogul's] dominions; and, further to engage and entrap the said prince, did assert that "our government" [meaning the British government] was in intimate and sworn connection with Madajee Scindia," when no alliance, offensive or defensive, appears to exist between the said Scindia and the East-India Company, nor can exist, otherwise than in virtue of some secret agreement between him, the said Scindia, and Warren Hastings, entered into by the latter without the knowledge of his colleagues and the government, and never communicated to the court of directors. And, secondly, he did, in order to further the designs of the Mahrattas, contrive and effect the ruin of the said mogul and his authority by setting on foot, through the aforesaid Major Browne, sundry perplexed and intricate negotiations, contrary to public faith, and to the honor of the British nation; by which he did exceedingly increase the confusion and disorders of the mogul's court, exposing the said mogul to new indignities, insults, and distresses, and almost all of the northern parts of India to great and ruinous convulsions, until three out of four of the principal chieftains, some of them possessing the territories lately belonging to Nudjiff Cawn, and maintaining among them eighty thousand troops of horse and foot, and some of which chiefs were the ministers aforesaid, being cut off by their mutual dissensions, and the fort of Delhi being at length delivered to the Mahrattas, the said

Scindia became the uncontrolled ruler of the royal army; and the person of the mogul, with the use of all his pretensions and claims, fell into the hands of a nation already too powerful, together with an extensive territory, which entirely covers the company's possessions and dependencies on one side, and particularly those of the nabob of Oude.

XX. That the circumstances of these countries did, in the opinion of the said Warren Hastings himself, sufficiently indicate to him the necessity of not aggrandizing any power whatsoever on their borders, he having in the aforesaid letter of the 16th June given a deliberate opinion of the situation of Oude, in the words following: "that, whilst we are at peace with the powers of Europe, it is only in this quarter that your possessions under the government of Bengal are vulnerable." And he did further in the said letter state that, "if things had continued as they had been to that time with a divided government" [viz. the company's and the vizier's, which government he had himself established, and under which it ever must in a great degree remain, whilst the said country continues in a state of dependence], "the *slightest* shock from a foreign hand, or even an *accidental internal commotion*, might have thrown the whole into confusion, and produced the most fatal consequences." In this perilous situation he made the above-recited sacrifices to the ambition of the Mahrattas, and did all along so actively countenance and forward their proceedings, and with so full a sense of their effect, that in his minute of the 24th December, 1784, he has declared "that in the countries which border on the dominions of the nabob vizier, or on that quarter of our own, in effect *there is no other power*." And he did further admit that the presence of the Mahratta chief aforesaid, so near the borders of the nabob's dominions, was no cause of suspicion; for, "that it is the effect *of his own solicitation*, and is *so far* the effect of an act of that government."

XXI. That, in further pursuit of the same pernicious design, he the said Warren Hastings did enter into an agreement to withdraw a very great body of the British troops out of the nabob's dominions; asserting, however truly, yet in direct contradiction to his own declarations, that "this government [meaning the British government] has not any right to force defence with its maintenance upon him" [the nabob]; and he did thus not only avowedly aggrandize the Mahratta state, and weaken the defence upon the frontier, but did as avowedly detain their captain-general in force on that very frontier, notwithstanding he was well apprized that they had designs against those dependent territories of Oude, which they had with difficulty been persuaded even in appearance to include in the treaty of peace; and that they have never renounced their claims upon certain large and valuable portions of them, and have shown evident signs of their intentions, on the first opportunity, of asserting and enforcing them. And, finally, the said Warren Hastings, in contradiction to sundry declarations of his own concerning the necessity of curbing the power of the Mahrattas, and to the principle of sundry measures undertaken by himself professedly for that purpose, and to the sense of the house of commons expressed in their resolution of 28th May, 1782, against any measures that tended to unite the dangerous powers of the Mahratta empire under one active command, has endeavored to persuade the company that, "while Scindia lives, every accession of territory obtained by him will be an advantage to this [the British] government;" which, if it was true as respecting the personal dispositions of Scindia, which there is no reason to believe, yet it was highly criminal to establish a power in the Mahrattas which must survive the man, in confidence of whose personal dispositions a power more than personal was given, and which may hereafter fall into hands disposed to make a more hostile use of it.

XXII. That in consequence of all the before-recited intrigues, the Mogul emperor being in the hands of the Mahrattas, he, the said mogul, has been obliged to declare the head of the Mahratta state to be vicegerent of the Mogul empire, an authority, which supersedes that of vizier, and has thereby consolidated in the Mahratta state all the powers acknowledged to be of legal authority in India; in consequence of which they have acquired, and have actually already attempted to use, the said claims of general superiority against the company itself; the Mahrattas claiming a right in themselves to a fourth part of the revenues of all the provinces in the company's possession, and claiming, in right of the mogul, the tribute due to him; by which actings and doings the said Hastings has to the best of his power brought the British provinces in India into a dependence on the Mahratta state; and in order to add to the aforesaid enormous claims a proportioned force, he did never cease, during his stay in India, to contrive the means for its increase: for it is of public notoriety that one great object of the Mahratta policy is to unite under their dominion the nation or religious sect of the Seiks, who being a people abounding with soldiers, and possessing large territories, would extend the Mahratta power over the whole of the vast countries to the north-west of India.

XXIII. That the said Warren Hastings, further to augment the power of the said Mahrattas, and to endanger the safety of the British possessions, having established in force the said Mahrattas on the frontier, as afore recited, and finding the council general averse in that situation to the withdrawing the British forces therefrom, and for disbanding them to the extent required by the said Hastings, did in a minute of the 4th December, 1784, after stating a supposition that, contrary to his opinion, the said troops should not be reduced, propose to employ them under the command of the mogul's son, then under the influence of the Mahrattas,

in a war against the aforesaid people or religious sect called Seiks, defending the same on the following principles: "I feel the sense of an obligation imposed on me, by the supposition I have made, to state a mode of rendering the detachment of use in its prescribed station, and of affording the *appearance* of a cause for its retention."

XXIV. That the said Hastings did admit that there was no present danger to the company's possessions from that nation, which could justify him in such a war, as he had declared that the Mahrattas were the *only power* that bordered on the company's possessions and those of the vizier; but he did assign, as a reason for going to war with them, their military and enthusiastic spirit; the hardiness of their natural constitution; the dangers which might arise from them in some future time, if they should ever happen to be united under one head, they existing at present in a state little different from anarchy; and he did predict great danger from them, and at no very remote period, "if this people be permitted to grow into maturity without interruption." And though he doth pretend that the solicitations of the heir-apparent of the mogul, who he says did repeatedly and earnestly solicit him to obtain the permission to use the company's troops for the purpose aforesaid, had weight with him; yet he doth declare, as he expresses himself in the minute aforesaid, that "a *stronger impulse*, arising from the hope of *blasting the growth* of a generation, whose strength *might* become fatal to our own, strongly pleaded in my mind for supporting his wishes."

XXV. That the said Warren Hastings, after forcibly recommending the plan aforesaid, did state strong objections, that did, "in his judgment, outweigh the advantages which might arise from a compliance with it." Yet the said Hastings, being determined to pursue his scheme for aggrandizing, at any rate, the Mahratta power, in whose adult growth, and

the recent effects of it, he could see no danger, did pursue the design of war against a nation or sect of religion in its infancy, from whom he had received no injury, and in whose present state of government he did not apprehend any mischief whatsoever; and finding the council fixed and determined on not disbanding the frontier regiments, and thinking that therein he had found an advantage, he did ground thereon the following proposition:

"If the expense [of the frontier troops] is to be continued, it may be surely better continued for some useful purpose, than to keep up the parade of a great military corps, designed merely to lie inactive in its quarters. On this ground, therefore, and on the supposition premised, I revert to my original sentiments in favor of the prince's plan; but, as this will require some qualification in the execution of it, I will state my recommendation of it in the terms of a proposition, viz., That if it shall be the resolution of the board to continue the detachment now under the command of Colonel Sir John Cumming at Farruckabad; and if the prince Mirza Jehander Shâh shall apply, *with the authority of the king, and the concurrence of Madajee Scindia*, for the assistance of an English military force to act in conjunction with him, to expel the Seiks from the territories of which they have lately possessed themselves in the neighborhood of Delhi, it may be granted, and such a portion of the said detachment allotted to that service as shall be hereafter judged adequate to it."

XXVI. That the said Warren Hastings did, in the said proposal, endeavor to circumvent and overreach the council general, by converting an apparent and literal compliance with their resolution into a real and substantial opposition to and disappointment thereof. For his first proposal was to withdraw the company's troops from the vizier's country, on the pretence of relieving him from the burthen of that establishment, but in reality with a view of facilitating the

Mahratta pretensions on that province, which would then be deprived of the means of defence. And when the council rejected the said proposal, on the express ground of danger to the province by withdrawing from the Mahrattas the restraint of our troops, the said Hastings, finding his first scheme in favor of the Mahrattas against the provinces dependent on the company defeated by the refusal of the council to concur in the said measure of withdrawing the troops, did then endeavor to obtain the same purpose in a different way; and instead of leaving the troops, according to the intention and policy of the council, as a check to the ambition and progress of the Mahrattas, he proposed to employ them in the actual furtherance of those schemes of aggrandizement, of which his colleagues were jealous, and which it was the object of their resolution to counteract.

XXVII. That in the whole of the letters, negotiations, proposals, and projects of the said Warren Hastings, relative to the mogul, he did appear to pursue but one object, namely, the aggrandizement of the lately hostile and always dangerous power of the Mahrattas; and did pursue the same by means highly dishonorable to the British character for honor, justice, candor, plain-dealing, moderation, and humanity.

XIX. LIBEL ON THE COURT OF DIRECTORS.

I. THAT Warren Hastings, Esq., was, during the whole of the year 1783, a servant of the East-India Company, and was bound by the duties of that relation not only to yield obedience to the orders of the court of directors, but to give to the whole of their service an example of submission, reverence, and respect to their authority: and that, if they should in the course of their duty call in question any part of his conduct, he was bound to conduct his defence with temper and decency; and, while his conduct was under their consideration, it was not allowable to print and publish any of his letters to them, without their consent first had and obtained; and he was bound by the same principles of duty, enforced by still more cogent reasons, to observe, in a paper intended for publication, great modesty and moderation, and to treat the said court of directors, his lawful masters, with respect.

II. That the said Warren Hastings did print and publish, or cause to be printed and published, at Calcutta in Bengal, the narrative of his transactions at Benares, in a letter written at that place, without leave had of the court of directors, in order to preoccupy the judgment of the servants in that settlement, and to gain from them a factious countenance and support, previous to the judgment and opinion of the court of directors, his lawful superiors.

III. That the court of directors, having come to certain resolutions of fact relative to the engagements subsisting between them and the rajah of Benares, and the manner in

which the same had been fulfilled on the part of the rajah, did, in the fifth resolution, which was partly a resolution of opinion, declare as follows :—"That it appears to this court that the conduct of the governor-general towards the rajah, whilst he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects, and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the company's government."

IV. That the said resolutions being transmitted to the said Warren Hastings, he, the said Warren Hastings, did write, and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him, the said Warren Hastings, to the court of directors, dated Fort William, 20th of March, 1783, "calculated [as the directors truly affirm] to bring contempt, as well as an odium, on the court of directors for their conduct on that occasion;" and the said libel had a direct tendency to excite a spirit of disobedience to the lawful government of this nation in India through all ranks of their service.

V. That he, the said Warren Hastings, among other insolent and contumacious charges and aspersions on the court of directors, did address them in the printed letter aforesaid, as follows :—"I deny that Rajah Cheit Sing was a native prince of India. Cheit Sing is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession. This man, whom *you have thus ranked among the princes* of India, will be astonished, when he hears it, at an elevation so unlooked for; nor less at the independent rights which *your* commands have assigned him; rights which are so *foreign to his conceptions that I doubt whether he will know in what language to assert them;*

unless the example, *which you have thought it consistent with justice, however opposite to policy, to show, of becoming his advocates against your own interests, should inspire any of your own servants to be his advisers and instructers.*" And he did further, to bring into contempt the authority of the company, and to excite a resistance to their lawful orders, frame a supposition that the court of directors had intended the restoration of the rajah of Benares; and on that ground did presume in the said libel to calumniate, in disrespectful and contumelious terms, the policy of the court of directors, as well as the person whom he did conceive to be the object of their protection, as followeth :—" Of the consequences of such a policy I forbear to speak. *Most happily the wretch, whose hopes may be excited by the appearances in his favor, is ill qualified to avail himself of them*, and the *force, which is stationed in the province of Benares, is sufficient to suppress any symptoms of internal sedition;* but it cannot fail to create distrust and suspense in the minds both of the rulers and of the people, and such a state is always productive of disorder. But it is not in this partial consideration that I dread the effects of your commands; it is in your proclaimed indisposition against the first executive member of your first government in India. I almost shudder at the reflection of what might have happened, had these denunciations against your own minister, in favor of a man universally considered in this part of the world as justly attainted for his crimes, the murderer of your servants and soldiers, and the rebel to your authority, arrived two months earlier."

VI. That the said Warren Hastings did also presume to censure and asperse the court of directors for the moderate terms in which they had expressed their displeasure against him, as putting him under the necessity of stating in his defence a strong accusation against himself, and as implying in the said court a consciousness that he was not guilty of the offences charged upon him, being, as he asserts, in the

resolutions of the court of directors, "arraigned and prejudged of a *violation of national faith in acts of such complicated aggravation*, that, *if they were true*, no punishment *SHORT OF DEATH* could atone for the injury which the interest and credit of the public had sustained in them:" and he did therefore censure the said court for applying no stronger or more criminating epithets than those of "improper, unwarrantable, and highly impolitic," to an offence so by them charged, and by him described. And though it be true that the expressions aforesaid are much too reserved for the purpose of duly characterizing the offences of the said Hastings, yet was it in *him* most indecent to libel the court of directors for the same; and his implication, from the tenderness of the epithets and descriptions aforesaid used towards him, was not only indecent, but ungrounded, malicious, and scandalous; he having himself highly, though truly, aggravated "the charge of the injuries done by him to the rajah of Benares," in order to bring the said directors into contempt and suspicion; the paragraphs in the said libel being as follow: "Here I must crave leave to say that the terms 'improper, unwarrantable, and highly impolitic,' are much too gentle, as deductions from such premises; and as every reader of the latter will obviously feel, as he reads, the deductions which inevitably belong to them, I will add that the strict performance of solemn engagements on one part, followed by acts directly subversive of them, and by total dispossession on the other, stamps on the perpetrators of the latter the guilt of the greatest possible violation of faith and justice."—"There is an appearance of tenderness in this deviation from plain construction, of which, however meant, I have a right to complain; because it imposes on me the necessity of framing the terms of the accusation against myself, which you have only not made, but have stated the leading arguments to it so strongly that no one, who reads these, can avoid making it, *or not know it to have been intended.*"

VII. That the said Hastings, being well aware that his own declarations did contain the clearest condemnation of his own conduct from his own pen, did, in the said libel, attempt to overturn, frustrate, and render of none effect, all the proofs to be given of prevarication, contradiction, and of opposition of action to principle, which can be used against men in public trust, and did contend that the same could not be used against him; and, as if false assertions could be justified by factious motives, he did endeavor to do away the authority of his own *deliberate, recorded* declarations, entered by him *in writing* on the council-books of the presidency; for, after asserting, *but not attempting to prove*, that his declarations were consistent with his conduct, he writes in the said libel as follows: for, "were it otherwise, they were not to be made the rules of my conduct; and God forbid that every expression dictated by the impulse of present emergency, and unpremeditatedly uttered in the heat of party contention, should impose upon me the obligation of a fixed principle, and be applied to every variable occasion."

VIII. That the said Hastings, in order to draw the lawful dependence of the servants of the company from the court of directors to a factious dependence on himself, did, in the libel aforesaid, treat the acts and appointments of their undoubted authority, when exercised in opposition to his arbitrary will, as ruinous to their affairs, in the following terms: "It is as well known to the Indian world as to the court of English proprietors, that the first declaratory instruments of the dissolution of my influence, in the year 1774, were Mr. John Bristow and Mr. Francis Fowke. By your ancient and known constitution the governor has been ever held forth and understood to possess the ostensible powers of government; all the correspondence with foreign princes is conducted in his name; and every person resident with them for the management of your political concerns is understood to be *more especially his* representative, and of *his* choice—

and such ought to be the rule; for how otherwise can they trust an agent nominated against the will of *his* principal? When the state of this administration was such as seemed to *admit of* the appointment of Mr. Bristow to the residency of Lucknow without *much* diminution of *my own* influence, I gladly seized the occasion to show my readiness to submit to your commands: I proposed his nomination; he was nominated and declared to *be the agent of my own choice.* Even this effect of my caution *is defeated by your absolute command for his reappointment independent of me, and with the supposition that I should be adverse to it.* I am now wholly deprived of my official powers, both in the province of Oude, and in the zemindary of Benares."

IX. That, further to emancipate others and himself from due obedience to the court of directors, he did, in the libel aforesaid, enhance his services; which, without specification or proof, he did suppose in the said libel to be important and valuable, by representing them as done under their displeasure; and doth attribute his not having done more to their opposition, as followeth:—"It is now a complete period of eleven years since I first received the first nominal charge of your affairs; in the course of it I have *invariably* had to contend, not with ordinary difficulties, but such as most *unnaturally* arose *from the opposition of those very powers from which I primarily derived my authority, and which were required for the support of it.* My exertions, though applied to an unvaried and consistent line of action, have been occasional and desultory; yet I please myself with the hope that in the annals of your dominion, which shall be written after the extinction of recent prejudices, this term of its administration will appear not the least conducive to the interests of the company, nor the least reflective of the honor of the British name; and allow me to suggest the instructive reflection of *what good might have been done, and what evil prevented, had due support been given to that administration, which*

has performed such eminent and substantial services without it."

And the said Hastings, further to render the authority of the said court perfectly contemptible, doth, in a strain of exultation for his having escaped out of a measure in which by his guilt he had involved the company in a ruinous war, and out of which it had escaped by a sacrifice of almost all the territories before acquired, (from that enemy which he had made,) either by war, or former treaties, and by the abandoning the company's allies to their mercy, attribute the said supposed services to his acting in such a manner as had on former occasions excited their displeasure, in the following words:

"Pardon, honorable sirs, this digressive exultation; I cannot suppress the pride which I feel in this successful achievement of a measure so fortunate for your interests and the national honor; for that pride is the source of my zeal, so frequently exerted in your support, and never more happily than in those instances *in which I have departed from the prescribed and beaten path of action, and assumed a responsibility which has too frequently drawn on me the most pointed effects of your displeasure.* But however I may yield to my private feelings in thus enlarging on the subject, my motive in introducing it was immediately connected with its context, and was to contrast *the actual state of your political affairs, derived from a happier influence, with that which might have attended an earlier dissolution of it:*" and he did value himself upon "the *patience* and temper with which he had submitted to all the indignities which have been heaped upon him [meaning by the said court of directors] in this long service:" and he did insolently attribute to an unusual strain of zeal for their service, that he "*persevered* in the VIOLENT MAINTENANCE OF HIS OFFICE."

X. That, in order further to excite the spirit of disobedience in the company's servants to the lawful authority set

over them, he, the said Warren Hastings, did treat contemptuously and ironically the supposed disposition of the company's servants to obey the orders of the court of directors, in the words following: "The recall of Mr. Markham, who was known to be the public agent of my own nomination at Benares, and the reappointment of Mr. Francis Fowke, by your order, contained in the same letter, would place it [the restoration of Cheit Sing] beyond a doubt. *This order has been obeyed; and, whenever you shall be pleased to order the restoration of Cheit Sing, I will venture to promise the same ready and exact submission in the other members of the council:*" and he did, in the postscript of the said letter, and as on recollection, endeavor to make a reparation of honor to his said colleagues, as if his expressions aforesaid had arisen from animosity to them, as follows: "Upon a careful revisal of what I have written, I fear that an expression, which I have used respecting the probable conduct of the board, in the event of orders being received for the restoration of Cheit Sing, may be construed as intimating a sense of dissatisfaction, applied to transactions already past.—It is not my intention to complain of any one."

XI. That the said Hastings, in the acts of injury aforesaid to the rajah of Benares, did assume and arrogate to himself an illegal authority therein, and did maintain that the acts done in consequence of that measure were not revocable by any subsequent authority, in the following words: "If you should proceed to order the restoration of Cheit Sing to the zemindary, from which, *by the powers which I legally possessed*, and conceive myself legally *bound to assert* against any *subsequent authority to the contrary*, derived from the *same common source*, he was dispossessed for crimes of the greatest enormity, and your council shall resolve to execute the order, I will instantly give up my station and the service."

XII. That the said Warren Hastings did attempt to justify his publication of the said libellous letter to and against the court of directors, by asserting therein, that these resolutions [meaning the resolutions of the court of directors, relative to the rajah of Benares] "were *either* published, or *intended* for publication;" evidently proving that he did take this unwarrantable course without any sufficient assurance that the ground and motive by him assigned had any existence.

XX. MAHRATTA WAR, AND PEACE.

I. THAT, by an act passed in 1773, it was expressly ordered and provided "that it should not be lawful for any president and council at Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the governor-general and council first had and obtained, except in such cases of *imminent necessity* as would render it dangerous to postpone such hostilities or treaties, until the orders from the governor-general and council might arrive." That nevertheless the president and council of Bombay did, in December, 1774, without the consent and approbation of the governor-general and council of Fort William, and in the midst of profound peace, commence an unjust and unprovoked war against the Mahratta government; did conclude a treaty with a certain person, a fugitive from that government, and proscribed by it, named Ragonaut Row, or Ragoba; and did, under various baseand treacherous pretences, invade and conquer the island of Salsette, belonging to the Mahratta government.

II. That Warren Hastings, on the first advices received in Bengal of the above transactions, did condemn the same in the strongest terms; declaring that "the measures adopted by the presidency of Bombay had a tendency to a very extensive and indefinite scene of troubles; and that their conduct was unseasonable, impolitic, unjust, and unauthorized." And the governor-general and council, in order to put a stop to the said unjust hostilities, did appoint an ambassador to

the peshwa, or chief, of the Mahratta state, resident at Poona; and the said ambassador did, after a long negotiation, conclude a definitive treaty of peace with the said peshwa, on terms highly honorable and beneficial to the East-India Company, who by the said treaty obtained from the Mahrattas a cession of considerable tracts of country, the Mahratta share of the city of Broach, twelve lacks of rupees for the expenses of the said unjust war, and particularly the island of Salsette, of which the presidency of Bombay had possessed themselves by surprise and treachery; that, in return for these extraordinary concessions, the articles principally insisted on by the Mahrattas, with a view to their own future tranquillity and internal quiet, were, that *no assistance should be given to any subject or servant of the peshwa, that should cause disturbances or rebellion in the Mahratta dominions*, and particularly that the English *should not assist Ragonaut Row*, to whom the Mahrattas agreed to allow five lacks of rupees a year, or a jaghire to that amount, and that he should reside at Benares; that, nevertheless, the presidency of Bombay did receive and keep Ragonaut Row at Bombay, did furnish him with a considerable establishment, and continue to carry on secret intrigues and negotiations with him, thereby giving just ground of jealousy and distrust to the Mahratta state; that the late Colonel John Upton, by whom the treaty of Poorunder was negotiated and concluded, did declare to the governor-general and council, "that, while Ragonaut Row resides at Bombay in expectation of being supported, the ministers can place no confidence in the council there; which must now be productive of the greatest inconveniences, and perhaps, in the end, of fatal consequences." That the said Warren Hastings, concurring with his council, which then consisted of Sir John Clavering, Richard Barwell, and Philip Francis, Esqrs., did, on the 18th of August, 1777, declare to the presidency of Bombay, that "he could see no reason to doubt that the presence of Ragoba at Bombay would continue to be an *insuperable bar* to the completion of the treaty con-

cluded with the Mahratta government; nor could any sincere cordiality and good understanding be established with them, as long as he should appear to derive encouragement and support from the English." That Sir John Clavering died soon after, and that the late Edward Wheler, Esq., succeeded to a seat in the supreme council. That on the 29th of January, 1778, the governor-general and council received a letter from the presidency of Bombay, dated 12th December, 1777, in which they declared "that they had agreed to give encouragement to a *party* formed in Ragoba's favor, and flattered themselves they should meet with the hearty concurrence of the governor-general and council in the measures they might be obliged to pursue in consequence." That the *party* so described was said to consist of four principal persons in the Mahratta state, on whose part *some overtures* had been made to Mr. William Lewis, the resident of Bombay at Poona, *for the assistance of the company to bring Ragoba to Poona.* That the said Warren Hastings, immediately on the receipt of the preceding advices, did propose and carry it in council, by means of his casting voice, and against the remonstrances, arguments, and solemn protest of two members of the supreme council, that the sanction of that government should be given to the plan which the president and council of Bombay had agreed to form with the Mahratta government; and also that a supply of money (to the amount of ten lacks of rupees) should be immediately granted to the president and council of Bombay *for the support of their engagements above-mentioned;* and also that a military force should be sent to the presidency of Bombay. That, in defence of these resolutions, the said Warren Hastings did falsely pretend and affirm "that the resolution of the presidency of Bombay was formed on such a case of imminent necessity as would have rendered it dangerous to postpone the execution of it until the orders from the governor-general and council might arrive; and that the said presidency of Bombay *were warranted by the treaty of Poorunder* to join in a plan for conduct-

ing Ragonaut Row to Poona on the application of the ruling part of the Mahratta state;" whereas the main object of the said treaty on the part of the Mahrattas, and to obtain which they made many important concessions to the India Company, was, that the English should withdraw their forces, and give no assistance to Ragoba, and that he should be excluded for ever from any share in their government, being a person *universally held in abhorrence* in the Mahratta empire; and if it had been true (instead of being, as it was, notoriously false) that the *ruling part* of the administration of the Mahratta state solicited the return of Ragonaut Row to Poona, his return in that case might have been effected by acts of their own, without the interposition of the English power, and without our interference in their affairs. That it was the special duty of the said Warren Hastings, derived from a special trust reposed in him, and power committed to him by parliament, to have restrained, as by law he had authority to do, the subordinate presidency of Bombay from entering into hostilities with the Mahrattas, or from making engagements, the manifest tendency of which was to enter into those hostilities, and to have put a stop to them, if any such had been begun. That he was bound by the duty of his office to preserve the faith of the British government, pledged in the treaty of Poorunder, inviolate and sacred, as well as by the special orders and instructions of the East-India Company to *fix his attention to the preservation of peace throughout India;* all which important duties the said Warren Hastings did wilfully violate, in giving the *sanction* of the governor-general and council to the dangerous, faithless, and ill-concerted projects of the president and council of Bombay, herein before mentioned, from which the subsequent Mahratta war, with all the expense, distress, and disgraces, which have attended it, took their commencement; and that the said Warren Hastings therefore is specially and principally answerable for the said war, and for all the consequences thereof. That in a letter dated the 20th of January, 1778,

the president and council of Bombay informed the governor-general and council, that in consequence of later intelligence received from Poona, they had *immediately resolved that nothing further could be done, unless Sacxaram Baboo the principal in the late treaty* (of Poorunder) *joined in making a formal application to them.* That no such application was ever made by that person. That the said Warren Hastings, finding that all this pretended ground for engaging in an invasion of the Mahratta government had totally failed, did then pretend to give credit to, and to be greatly alarmed by, the suggestions of the president and council of Bombay, that the Mahrattas were negotiating with the French, and had agreed to give them the port of Choul, on the Malabar coast, and did affirm that the French *had obtained possession of that port;* that all these suggestions and assertions were false; and, if they had been true, would have furnished no just occasion for attacking either the Mahrattas, or the French, with both of whom the British nation was then at peace: that the said Warren Hastings did then propose and carry the following resolution in council, against the protest of two members thereof, that, "for the purpose of granting you (the presidency of Bombay) the most effectual support in our power, we have resolved to assemble a strong military force near Calpee, the commanding officer of which is to be ordered to march, by the most practicable route, to Bombay, or to such other places as future occurrences, and your directions to him, may render it expedient." And with respect to the *steps* said to be taken *by the French to obtain a settlement on the Malabar coast*, the said Warren Hastings did declare to the presidency of Bombay, "that it was the opinion of the governor-general and council, that no time ought to be lost in forming and carrying into execution such measures as might most effectually tend to frustrate such dangerous designs:"—that the said Warren Hastings, therefore, instead of fixing his attention to the preservation of peace throughout India, as it was his duty to have done, did continue to

abet, encourage, and support the dangerous projects of the presidency of Bombay, and did thereby manifest a determined intention to disturb the peace of India, by the unfortunate success of which intention, and by the continued efforts of the said Hastings, the greater part of India has been for several years involved in a bloody and calamitous war. That both the court of directors and court of proprietors did specially instruct the said Warren Hastings, in all his measures, "to make the safety and prosperity of Bengal his principal object," and did heavily censure the said Warren Hastings for having employed their troops at a great distance from Bengal in a war against the Rohillas, which the house of commons have pronounced to be *iniquitous*, and did on that occasion expressly declare, "that they disapproved of all such distant expeditions as might eventually carry their forces to any situation too remote to admit of their speedy and safe return to the protection of their own provinces, in case of emergency." That the said Warren Hastings nevertheless ordered a detachment from the Bengal army to cross the Jumna, and to proceed across the peninsula by a circuitous route through the diamond country of Bundle Cund, and through the dominions of the rajah of Berar, situated in the centre of Hindostan, and did thereby strip the provinces subject to the government of Fort William of a considerable part of their established defence, and did thereby disobey the general instructions and positive orders of the court of directors, (given upon occasion of a crime of the same nature committed by the said Hastings,) and was guilty of a high crime and misdemeanor.

That the said Warren Hastings, having taken the measures herein before described for supporting those of the presidency of Bombay, did, on the 23d of March, 1778, "invest the said presidency with authority to form a new alliance with Ragoba, and to engage with him in *any* scheme which they should deem expedient and safe for retrieving his affairs." That the said Hastings was then in possession

of a letter from the court of directors, dated the 4th of July, 1777, containing a positive order to the presidency of Bombay, in the following words: "Though that treaty (meaning the treaty of Poorunder) is not upon the whole so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts. You must therefore be particularly vigilant, while Ragoba is with you, to prevent him from forming any plan against what is called the ministerial party at Poona; and we hereby positively order you not to engage with him in any scheme whatever in retrieving his affairs, without the consent of the governor-general and council, or the court of directors." That the said Ragoba neither did nor could form any plan for his restoration but what was and must be against the ministerial party at Poona, who held and exercised the regency of that state in the infancy of the peshwa; and that, supposing him to have formed any other *scheme*, in conjunction with Bombay, *for retrieving his affairs*, the said Hastings, in giving a previous *general* authority to the presidency of Bombay, to engage with Ragoba in *any* scheme for that purpose, without knowing what such scheme might be, and thereby relinquishing and transferring to the discretion of a subordinate government that superintendence and control over all measures tending to create or provoke a war, which the law had exclusively vested in the governor-general and council, was guilty of a high crime and misdemeanor. That the said Warren Hastings, having first declared that the measures taken by him were for the support of the engagements made by the presidency of Bombay in favor of Ragoba, did afterwards, when it appeared that those negotiations were *entirely laid aside*, declare that his apprehension of the consequence of a pretended *intrigue* between the Mahrattas and the French *was the sole motive of all the late measures taken for the support of the presidency of Bombay;* but that neither of the preceding declarations contained the true motives and objects of the said Hastings, whose real purpose, as it appeared soon after, was to make use of the superiority of

the British power in India to carry on offensive wars, and to pursue schemes of conquest, impolitic and unjust in their design, ill-concerted in the execution, and which, as this house has resolved, *have brought great calamities on India, and enormous expenses on the East-India Company.* That the said Warren Hastings, on the 22d of June, 1778, made the following declaration in council: "much less can I agree that, with such superior advantages as we possess over every power which can oppose us, we should act *merely on the defensive.* On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the western world, it is more incumbent on those who are charged with the interests of Great Britain in the east *to exert themselves for the retrieval of the national loss.* We have the means in our power, and, if they are not frustrated by our own dissensions, I trust that the event of this expedition will yield every advantage, *for the attainment of which it was undertaken.*" That, in pursuance of the principles avowed in the preceding declaration, the said Warren Hastings, on the 9th of July, 1778, did propose, and carry it in council, that an embassy should be sent from Bengal to Moodajee Boosla, the rajah of Berar, falsely asserting that the said rajah "was, by interest and inclination, likely to join in an alliance with the British government; and suggesting that two advantages might be offered to him, as the inducements to it; first, the support of his pretensions to the sovereign power [viz. of the Mahratta empire]; second, the recovery of the captures made on his dominions by Nizam Ally." That the said Hastings, having already given full authority to the presidency of Bombay to engage the British faith to Ragonaut Row, to support him in *his* pretensions to the government or to the regency of the Mahratta empire, was guilty of a high crime and misdemeanor in proposing to engage the same British faith to support the pretensions of another competitor for the same object; and that, in offering to assist the rajah of Berar to recover the captures made on his dominions by the nizam, the said

Hastings did endeavor, as far as depended on him, to engage the British nation in a most unjust and utterly unprovoked war against the said nizam, between whom and the East-India Company a treaty of peace and friendship did then subsist, unviolated on his part; notwithstanding the said Hastings well knew that it made part of the East-India Company's fundamental policy to support that prince against the Mahrattas, and to *consider him as one of the few remaining chiefs who were yet capable of coping with the Mahrattas*, and that it was the company's *true interest to preserve a good understanding with him.* That, by holding out such offers to the rajah of Berar, the said Hastings professed to hope that the rajah *would ardently catch at the objects presented to his ambition;* and although the said Hastings did about this time lay it down as a maxim, that *there is always a greater advantage in receiving solicitations than in making advances*, he nevertheless declared to the said rajah, that *in the whole of his conduct he had departed from the common line of policy, and had made advances where others in his situation would have waited for solicitation;* that the said unjust and dangerous projects did not take effect, because the rajah of Berar refused to join or be concerned therein; yet so earnest was the said Hastings for the execution of those projects, that in a subsequent letter he daringly and treacherously assured the rajah, "that if he had accepted of the terms offered him by Colonel Goddard, and concluded a treaty with the government of Bengal upon them, he should have held the obligation of it superior to that of any engagement formed by the government of Bombay, and should have thought it his duty to maintain it, &c. against every consideration *even of the most valuable interests and safety of the English possessions intrusted to his charge.*" That all the offers of the said Hastings were rejected with slight and contempt by the rajah of Berar; but the same being discovered, and generally known throughout India, did fill the chief of the princes and states of India with a general suspicion and distrust of the

ambitious designs and treacherous principles of the British government, and with a universal hatred of the British nation; that the said princes and states were thereby so thoroughly convinced of the necessity of uniting amongst themselves to oppose a power, which kept no faith with any of them, and equally threatened them all, that, renouncing all former enmities against each other, they united in a common confederacy against the English; viz. the peshwa, as representative of the Mahratta state, and Moodajee Boosla, the rajah of Berar, that is, the principal Hindoo powers of India on one side, and Hyder Ally, and the nizam of the decan, that is, the principal Mahomedan powers of India, on the other; and that in consequence of this confederacy Hyder Ally invaded, overran, and ruined the Carnatick; and that Moodajee Boosla, instead *of ardently catching at the objects presented to his ambition* by the said Hastings, sent an army to the frontiers of Bengal; which army the said Warren Hastings was at length forced to buy off with twenty-six lacks of rupees, or £300,000 sterling, after a series of negotiations with the Mahratta chiefs, who commanded that army, founded and conducted on principles so dishonorable to the British name and character, that the secret committee of the house of commons, by whom the rest of the proceedings in that business were reported to the house, *have, upon due consideration, thought it proper to leave out the letter of instructions to Mr. Anderson*, viz., those given by the said Warren Hastings to the representative of the British government; and concerning which the said committee have reported in the following terms:—"The schemes of policy, by which the governor-general seems to have dictated the instructions he gave to Mr. Anderson [the gentleman deputed] will also appear in this document, as well respecting the particular succession to the Rauje, as also the mode of accommodating the demand of *Chout*, the establishment of which was apparently the great aim of Moodajee's political manœuvres, while the governor-general's wish to defeat it was

avowedly more intent on the removal of a nominal disgrace, than on the anxiety or resolution to be free from an expensive, if an unavoidable encumbrance."

That while the said Warren Hastings was endeavoring to persuade the rajah of Berar to engage with him in a scheme to place the said rajah at the head of the Mahratta empire, the presidency of Bombay, by virtue of the powers specially vested in them for that purpose by the said Hastings, did really engage with Ragonaut Row, the other competitor for the same object, and sent a great part of their military force established for the defence of Bombay, on an expedition with Ragonaut Row, to invade the dominions of the peshwa, and to take Poona, the capital thereof; that this army being surrounded and overpowered by the Mahrattas was obliged to capitulate; and then, through the moderation of the Mahrattas, was permitted to return quietly, but *very disgracefully*, to Bombay. That, supposing the said Warren Hastings could have been justified in abandoning the project of reinstating Ragonaut Row, which he at first authorized, and promised to support, and in preferring a scheme to place the rajah of Berar at the head of the Mahratta empire, he was bound by his duty, as well as in justice to the presidency of Bombay, to give that presidency timely notice of such his intention, and to have restrained them positively from resuming their own project; that on the contrary the said Warren Hastings did, on the 17th of August, 1778, again *authorize* the said presidency "to assist Ragoba with a military force, to conduct him to Poona, and to establish him in the regency there;" and, so far from communicating his change of plan to Bombay, did keep it concealed from that presidency, insomuch that, even so late as the 19th of February, 1779, William Hornby, then governor of Bombay, declared in council his total ignorance of the schemes of the said Hastings, in the following terms: "The schemes of the governor-general and council, with regard to the rajah of Berar, *being yet unknown to us*, it is impossible for us

to found any measures on them; yet I cannot help now observing, that if, as has been conjectured, the gentlemen of that presidency have entertained thoughts of restoring, in his person, the ancient rajah government, the attempt seems likely to be attended with no small difficulty:" that whereas the said Warren Hastings did repeatedly affirm, that it was his intention to support the plan formed by the presidency of Bombay in favor of Ragoba, and did repeatedly authorize and encourage them to pursue it, he did, nevertheless, at the same time, in his letters and declarations to the peshwa, to the nizam, and to the rajah of Berar, falsely and perfidiously affirm, *that it never was nor is designed by the English chiefs to give support to Ragonaut Row; that he,* Hastings, *had no idea of supporting Ragonaut Row; and that the detachment he had sent to Bombay was solely to awe the French, without the least design to assist Ragonaut Row;* that supposing it to have been the sole *professed* intention of the said Hastings, in sending an army across India, to protect Bombay against a French invasion, even that pretence was false, and used only to cover the real design of the said Hastings; viz. to engage in projects of war and conquest with the rajah of Berar. That on the 11th of October, 1778, he informed the said rajah, "that the detachment would soon arrive in his territories, and depend on him, Moodajee Boosla, for its subsequent operations:" that, on the 7th of December, 1778, the said Hastings revoked the powers he had before given to the presidency of Bombay over the detachment, declaring, that the event of Colonel Goddard's negotiation with the rajah of Berar *was likely to cause a very speedy and essential change in the design and operations of the detachment;* and that on the 4th of March, 1779, the said Hastings, immediately after receiving advice of the defeat of the Bombay army, near Poona, and when Bombay, if at any time, particularly required to be protected against a French invasion, did declare, in council, that he *wished for the return of the detachment to Berar, and dreaded to hear*

of its proceeding to the Malabar coast; and therefore, if the said Hastings did not think that Bombay was in danger of being attacked by the French, he was guilty of repeated falsehoods in affirming the contrary for the purpose of covering a criminal design: or, if he thought that Bombay was immediately threatened with that danger, he then was guilty of treachery in ordering an army, necessary on that supposition to the immediate defence of Bombay, to halt in Berar, to depend on the rajah of Berar for its subsequent operations, or on the *event of a negotiation* with that prince, which, as the said Hastings declared, *was likely to cause a very speedy and essential change in the design and operations of the detachment;* and finally, in declaring that *he dreaded to hear of the said detachment's proceeding to the Malabar coast*, whither he ought to have ordered it without delay, if, as he has solemnly affirmed, it was true that *he had been told, by the highest authority, that a powerful armament had been prepared in France, the first object of which was an attack upon Bombay; and that he knew, with moral certainty, that all the powers of the adjacent continent were ready to join the invasion.*

That through the whole of these transactions the said Warren Hastings has been guilty of continued falsehood, fraud, contradiction, and duplicity, highly dishonorable to the character of the British nation; that, in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated disgraces, and great calamities have been thereby brought upon India; and that the said Warren Hastings, as well in exciting and promoting the late unprovoked and unjustifiable war against the Mahrattas, as in the conduct thereof, has been guilty of sundry high crimes and misdemeanors.

That by the definitive treaty of peace concluded with the Mahrattas at Poorunder, on the 1st of March, 1776, the Mahrattas gave up all right and title to the island of Salsette,

unjustly taken from them by the presidency of Bombay; did also give up to the English company for ever all right and title to their entire shares of the city and pergunnah of Broach; did also give for ever to the English company a country of three lacks of rupees revenue, near to Broach; and did also agree to pay to the company twelve lacks of rupees, in part of the expenses of the English army; and that the terms of the said treaty *were honorable and advantageous to the India Company.*

That Warren Hastings having broken the said treaty, and forced the Mahrattas into another war, by a repeated invasion of their country, and having conducted that war in the manner herein before described, did, on the 17th of May, 1782, by the agency of Mr. David Anderson, conclude another treaty of perpetual friendship and alliance with the Mahrattas, by which the said Hastings agreed to deliver up to them all the countries, places, cities, and forts, particularly the island of Bassein, (taken from the peshwa, during the war,) and to relinquish all claim to the country of three lacks of rupees, ceded to the company by the treaty of Poorunder: that the said Warren Hastings did also, at the same time, by a private and separate agreement, deliver up to Madajee Scindia the whole of the city of Broach; that is, not only the share in the said city, which the India Company acquired by the treaty of Poorunder, but the other share thereof, which the India Company possessed for several years before that treaty; and that among the reasons assigned by Mr. David Anderson for totally stripping the presidency of Bombay of all their possessions on the Malabar coast, he has declared, that "from the general tenor of the *rest* of the treaty, the settlement of Bombay would be in future put on such a footing, that it might well become a question whether the possession of an inconsiderable territory, without forts, would not be attended with more loss than advantage, as it must necessarily occasion considerable expense, must require troops

for its defence, and might probably in the end lead, as Scindia apprehended, to a renewal of war."

That the said Warren Hastings, having in this manner put an end to a war, commenced by him without provocation, and continued by him without necessity, and having for that purpose made so many sacrifices to the Mahrattas in points of essential interest to the India Company, did consent and agree to other articles utterly dishonorable to the British name and character, having sacrificed or abandoned every one of the native princes, who by *his* solicitations and promises had been engaged to take part with us in the war; and that he did so without necessity, since it appears, that Scindia, the Mahratta chief who concluded the treaty, *in every part of his conduct manifested a hearty desire of establishing a peace* with us; and that this was the disposition of all the parties in the Mahratta confederacy, who were only kept together by a general dread of their common enemy, the English, and who only waited for a cessation of hostilities with us to return to their habitual and permanent enmity against each other. That the governor-general and council, in their letter of the 31st of August, 1781, made the following declaration to the court of directors: "The Mahrattas have demanded the sacrifice of the person of Ragonaut Row, the surrender of the fort and territories of Ahmedabad, and of the fortress of Gualior, *which are not ours to give, and which we could not wrest from the proprietors without the greatest violation of public faith.* No state of affairs, in our opinions, could warrant our acquiescence to such requisition; and we are morally certain, that, had we yielded to them, such a consciousness of the state of our affairs would have been implied, as would have produced an effect the very reverse from that for which it was intended, by raising the presumption of the enemy, to exact yet more *ignominious* terms, or perhaps their refusal to accept of any; nor, in our opinion, would they have failed to excite in others the same belief, and the consequent decision of all parties against

us, as the natural consequences of our decline." That the said Hastings himself, in his instructions to Mr. David Anderson, after authorizing him to restore *all* that we had conquered during the war, expressly "*excepted* Ahmedabad, and the territory conquered for Futty Sing Gwicowar." That nevertheless the said Hastings, in the peace concluded by him, has yielded to every one of the conditions reprobated in the preceding declarations, as *ignominious*, and incompatible with public faith.

That the said Warren Hastings did abandon the ranna of Gohud, in the manner already charged; and that the said ranna has not only lost the fort of Gualior, but all his own country, and is himself a prisoner.—That the said Hastings did not interpose to obtain any terms in favor of the nabob of Bopaul, who was *with great reason desirous of concealing from the Mahrattas the attachment he had borne to the English government;* the said nabob having a just dread of the danger of being exposed to the resentment of the Mahrattas, and no dependence on the faith and protection of the English. That by the 9th article of the treaty with Futty Sing it was stipulated, that, when a negotiation for peace shall take place, his interest should be primarily considered; and that Mr. David Anderson, the minister and representative of the governor-general and council, did declare to Scindia, that it was indispensably incumbent on us to support Futty Sing's rights.

That nevertheless every acquisition made for or by the said Futty Sing during the war, particularly *the fort and territories of Ahmedabad*, were given up by the said Hastings: that Futty Sing was replaced under the subjection of the peshwa, (whose resentment he had provoked by taking part with us in the war,) and under an obligation to pay a tribute, not specified, to the peshwa, and to perform such services, and to be subject to such obedience, *as had long been established and customary;* and that, no limit being fixed to such tribute or services, the said Futty Sing has been left wholly at the mercy of the Mahrattas.

That, with respect to Ragoba, the said Hastings, in his instructions to Mr. Anderson, dated 4th of November, 1781, contented himself with saying, "We cannot *totally* abandon the interests of Ragonaut Row. Endeavor to obtain for him an adequate provision."—That Mr. Anderson declared to Madajee Scindia "that as we had given Ragoba protection as an independent prince, and not brought him into our settlement as a prisoner, we could not *in honor* pretend to impose the *smallest* restraint on his will, and he must be at liberty to go wherever he pleased; that it must rest with Scindia himself to prevail on him to reside in his country; all that we could do was to *agree*, after a reasonable time, *to withdraw our protection from him, and not to insist on the payment of the stipend to him*, as Scindia had proposed, unless on the condition of his residing in some part of Scindia's territories."

That, notwithstanding all the preceding declarations, and in violation of the public faith repeatedly pledged to Ragoba, he was totally abandoned by the said Hastings in the treaty, no provision whatever being made even for his subsistence, but on a condition to which he could not submit without the certain loss of his liberty, and probable hazard of his life, namely, *that he should voluntarily, and of his own accord, repair to Scindia, and quietly reside with him.* That such treacherous desertion of the said Ragoba is not capable of being justified by any plea of necessity; but that in fact no such necessity existed; since it appears that the nizam, who, of all the contracting powers in the confederacy, was personally most hostile to Ragoba, did himself *propose that Ragoba might have an option given him* of residing within the company's territories.—That the plan of negotiating a peace with the Mahrattas by application to Scindia, and through his mediation, was earnestly recommended to the said Hastings by the presidency of Bombay, so early as in February, 1779, who stated clearly to him the reasons why such application ought to be made to Scindia in preference to any other of

the Mahratta chiefs, and why it would probably be successful; the truth and justice of which reasons were fully evinced in the issue, when the said Hastings, after incurring, by two years' delay, all the losses and distresses of a calamitous war, did actually pursue that very plan with much less effect or advantage than might have been obtained at the time the advice was given. That he neglected the advice of the presidency of Bombay, and retarded the peace, as well as made its conditions worse, from an obstinate attachment to his project of an alliance, offensive and defensive, with the rajah of Berar, the object of which was rather a new war, than a termination of the war then existing against the peshwa.

That the said Hastings did further embarrass and retard the conclusion of a peace by employing different ministers at the courts of the several confederate powers, whom he severally empowered to treat and negotiate a peace. That these ministers not acting in concert, not knowing the extent of each other's commissions, and having no instructions to communicate their respective proceedings to each other, did, in effect, counteract their several negotiations. That this want of concert and of simplicity, and the mystery and intricacy in the mode of conducting the negotiation on our part, was complained of by our ministers as embarrassing and disconcerting to us, while it was advantageous to the adverse party, who were thereby furnished with opportunity and pretence for delay, when it suited their purpose, and enabled to play off one set of negotiators against another; that it also created jealousy and distrust in the various contending parties with whom we were treating at the same time, and to whom we were obliged to make contradictory professions, while it betrayed and exposed to them all our own eagerness and impatience for peace; raising thereby the general claims and pretensions of the enemy. That while Dalhousie Watherston, Esq., was treating at Poona, and David Anderson, Esq., in Scindia's camp, with separate powers applied to

the same object, the minister at Poona informed the said Watherston that he had received proposals for peace from the nabob of Arcot, with the approbation of Sir Eyre Coote; that he returned other proposals to the said nabob of Arcot, who had assured him (the minister) that those proposals *would be acceded to, and that Mr. Macpherson would set out for Bengal, after which orders should be immediately despatched from the honorable the governor-general and council to the effect he wished.* That the said nabob "had promised to obtain and forward to him the expected *orders from Bengal in fifteen days, and that* he was therefore every instant in expectation of their arrival; and observed that, when General Goddard proposed to send a confidential person to Poona, he conceived that those orders must have actually reached him;" that therefore the treaty, formally concluded by David Anderson, was in effect and substance the same with that offered, and in reality concluded, by the nabob of Arcot, with the exception only of Salsette, which the nabob of Arcot had agreed to restore to the Mahrattas. That the intention of the said Warren Hastings in pressing for a peace with the Mahrattas on terms so dishonorable, and by measures so rash and ill-concerted, was not to restore and establish a general peace throughout India, but to engage the India Company in a new war against Hyder Ally, and to make the Mahrattas parties therein. That the eagerness and passion, with which the said Hastings pursued this object, laid him open to the Mahrattas, who depended thereon for obtaining whatever they should demand from us. That, in order to carry the point of an offensive alliance against Hyder Ally, the said Hastings exposed the negotiation for peace with the Mahrattas to many difficulties and delays. That the Mahrattas were bound by a clear and recent engagement, which Hyder had never violated in any article, to make no peace with us which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his fa-

vorite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ally, and in an offensive alliance for immediate hostility against him. That these lessons of public duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Mahrattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith. That the object of this fraudulent policy (viz. the utter destruction of Hyder Ally, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the company to their servants; that it was incompatible with the treaty of peace, in which Hyder Ally was included, and contrary to the repeated and best understood injunctions of the company; being, in the first place, a bargain for a new war, and in the next aiming at an extension of our territory by conquest. That the best and soundest political opinions on the relations of these states have always represented our great security against the power of the Mahrattas to depend on its being balanced by that of Hyder Ally; and the Mysore country is so placed as a barrier between the Carnatick and the Mahrattas, as to make it our interest rather to strengthen and repair that barrier, than to level and destroy it. That the said treaty of partition does express itself to be *eventual* with regard to the making and keeping of peace; but through the whole course of the said Hastings's proceeding he did endeavor to prevent any peace with the sultan or nabob of Mysore, Tippoo Saheb, and did for a long time endeavor to frustrate all the methods which could have rendered the said treaty of conquest and partition wholly unnecessary.

That the Mahrattas having taken no effectual step to oblige Hyder Ally to make good the conditions for which they had engaged in his behalf, and the war continuing to be carried on in the Carnatick by Tippoo Sultan, son and

successor of Hyder Ally, the presidency of Fort St. George undertook, upon their own authority, to open a negotiation with the said Tippoo; which measure, though indispensably necessary, the said Hastings utterly disapproved and discountenanced, expressly denying that there was any ground or motive for entering into any direct or separate treaty with Tippoo; and not consenting to or authorizing any negotiation for such treaty, until after a cessation of hostilities had been brought about with him by the presidency of Fort St. George, in August, 1773, and the ministers of Tippoo had been received and treated with by that presidency, and commissioners, in return, actually sent by the said presidency to the court of Poona; which late and reluctant consent and authority were extorted from him, the said Hastings, in consequence of the acknowledgment of his agent at the court of Madajee Scindia (upon whom the said Warren Hastings had depended for enforcing the clauses of the Mahratta treaty) of the precariousness of such dependence, and of the necessity of that direct and separate treaty with Tippoo, so long and so lately reprobated by the said Warren Hastings, notwithstanding the information and entreaties of the presidency of Fort St. George, as well as the known distresses and critical situation of the company's affairs. That though the said Warren Hastings did at length give instructions for negotiating and making peace with Tippoo, expressly adding that those instructions extended to *all* the points, which occurred to *him or them* as capable of being agitated or gained upon the occasion;—though the said instructions were sent after the said commissioners by the presidency of Fort St. George, with directions to obey them: though not only the said instructions were obeyed, but advantages gained, which did not occur to the said Warren Hastings; though the said peace formed a contrast with the Mahratta peace, in neither ceding any territory possessed by the company before the war, or delivering up any dependant or ally to the vengeance of his adversaries, but providing for the restoration of all the

countries that had been taken from the company and their allies; though the supreme council of Calcutta, forming the legal government of Bengal in the absence of the said Warren Hastings, ratified the said treaty, yet the said Warren Hastings, then absent from the seat of government, and out of the province of Bengal, and forming no legal or integral part of the government during such absence, did, after such ratification, usurp the power of acting as a part of such government, (as if actually sitting in council with the other members of the same,) in the consideration and unqualified censure of the terms of the said peace. That the nabob of Arcot, with whom the said Hastings did keep up an unwarrantable, clandestine correspondence, without any communication with the presidency of Madras, wrote a letter of complaint, dated the 27th of March, 1784, against the presidency of that place, without any communication thereof to the said presidency, the said complaint being addressed to the said Warren Hastings, the substance of which complaint was, that he (the nabob) had not been made a party to the late treaty: and although his interest had been sufficiently provided for in the said treaty, the said Warren Hastings did sign a declaration on the 23d of May, at Lucknow, forming the basis of a new article, and making a new party to the treaty, after it had been by all parties (the supreme council of Calcutta included) completed and ratified, and did transmit the said new stipulation to the presidency at Calcutta solely for the purposes and at the instigation of the nabob of Arcot; and the said declaration was made without any previous communication with the presidency aforesaid, and in consequence thereof orders were sent by the council at Calcutta to the presidency of Fort St. George, *under the severest threats in case of disobedience;* which orders, whatever were their purport, would, as an undue assumption of and participation in the government, from which he was absent, become a high misdemeanor; but, being to the purport of opening the said treaty after its solemn ratification, and proposing a new clause

and a new party to the same, was also an aggravation of such misdemeanor, as it tended to convey to the Indian powers an idea of the unsteadiness of the councils and determinations of the British government, and to take away all reliance on its engagements, and as, above all, it exposed the affairs of the nation and the company to the hazard of seeing renewed all the calamities of war, from whence by the conclusion of the treaty they had emerged, and upon a pretence so weak as that of proposing the nabob of Arcot to be a party to the same—though he had not been made a party by the said Warren Hastings in the Mahratta treaty, which professed to be for the relief of the Carnatick; though he was not a party to the former treaty with Hyder, also relative to the Carnatick; though it was not certain, if the treaty were once opened, and that even Tippoo should then consent to that nabob's being a party, whether he (the said nabob) would agree to the clauses of the same, and consequently whether the said treaty, once opened, could afterwards be concluded—an uncertainty, of which he, the said Hastings, should have learned to be aware, having already once been disappointed by the said nabob's refusing to accede to a treaty, which he, the said Warren Hastings, made for him with the Dutch, about a year before.

That the said Warren Hastings having broken a solemn and honorable treaty of peace by an unjust and unprovoked war; having neglected to conclude that war when he might have done it without loss of honor to the nation; having plotted and contrived, as far as depended on him, to engage the India Company in another war, as soon as the former should be concluded; and having at last put an end to a most unjust war against the Mahrattas by a most ignominious peace with them, in which he sacrificed objects essential to the interests, and submitted to conditions utterly incompatible with the honor of this nation, and with his own declared sense of the dishonorable nature of those conditions; and having endeavored to open anew the treaty con-

cluded with Tippoo Sultan, through the means of the presidency of Fort St. George, upon principles of justice and honor, and which established peace in India; and thereby exposing the British possessions there to the renewal of the dangers and calamities of war—has by these several acts been guilty of sundry high crimes and misdemeanors.

XXI. CORRESPONDENCE.

THAT, by an act of the 13th year of his present majesty, entitled "an act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe," "the governor-general and council are required and directed to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, and constantly and diligently transmit to the said court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, commerce, revenues, or interest of the said united company."

That, in consequence of the above-recited act, the court of directors, in their general instructions of the 29th March, 1774, to the governor-general and council, did direct, "that the correspondence with the princes or country powers in India should be carried on through the governor-general only; but that all letters to be sent by him should be first approved in council; and that he should lay before the council, at their next meeting, all letters received by him in the course of such correspondence for their information."

And the governor-general and council were therein further ordered, "that, in transacting the business of their department they should enter, with the utmost perspicuity and exactness, all their proceedings whatsoever; and all dissents, if such should at any time be made by any member of their board, together with all letters sent or received in the course of their correspondence; and that broken sets of such proceedings, to the latest period possible, be transmitted

to them (the court of directors); a complete set at the end of every year, and a duplicate by the next conveyance."

That in defiance of the said orders, and in breach of the above-recited act of parliament, the said Warren Hastings has, in sundry instances, concealed from his council the correspondence carried on between him and the princes or country powers in India, and neglected to communicate the advices and intelligence he from time to time received from the British residents at the different courts in India to the other members of the government; and without their knowledge, counsel, or participation, has despatched orders on matters of the utmost consequence to the interests of the company.

That, moreover, the said Warren Hastings, for the purpose of covering his own improper and dangerous practices from his employers, has withheld from the court of directors, upon sundry occasions, copies of the proceedings had, and the correspondence carried on by him in his official capacity as governor-general, whereby the court of directors have been kept in ignorance of matters, which it highly imported them to know, and the affairs of the company have been exposed to much inconvenience and injury.

That in all such concealments and acts done or ordered without the consent and authority of the supreme council, the said Warren Hastings has been guilty of high crimes and misdemeanors.

XXII. FYZOOLA KHÂN.

RIGHTS OF FYZOOLA KHÂN, &c. BEFORE THE TREATY OF LALL-DANG.

I. THAT the Nabob Fyzoola Khân, who now holds of the vizier the territory of Rampore, Shawabad, and certain other districts dependent thereon, in the country of the Rohillas, is the second son of a prince, renowned in the history of Hindostan under the name of Ali Mohammed Khân, some time sovereign of all that part of Rohilcund, which is particularly distinguished by the appellation of the Kutteehr.

II. That after the death of Ali Mohammed aforesaid, as Fyzoola Khân, together with his elder brother, was then a prisoner of war at a place called Herat, "the Rohilla chiefs took possession of the ancient estates" of the captive princes; and the Nabob Fyzoola Khân was from necessity compelled to waive his hereditary rights for the inconsiderable districts of Rampore and Shawabad, then estimated to produce from six to eight lacks of annual revenue.

III. That, in 1774, on the invasion of Rohilcund by the united armies of the Vizier Sujah ul Dowla and the company, the Nabob Fyzoola Khân, "with some of his people, was present at the decisive battle of St. George," where Hafiz Rhanet, the great leader of the Rohillas, and many others of their principal chiefs were slain; but, escaping from the slaughter, Fyzoola Khân "made his retreat good

towards the mountains, with all his treasure." He there collected the scattered remains of his countrymen; and as he was the eldest surviving son of Ali Mohammed Khân, as too the most powerful obstacle to his pretensions was now removed by the death of Hafiz, he seems at length to have been generally acknowledged by his natural subjects the undoubted heir of his father's authority.

IV. That, "regarding the sacred *sincerity* and friendship of the English, whose *goodness* and celebrity is every where known, *who dispossess no one*," the Nabob Fyzoola Khân made early overtures for peace to Colonel Alexander Champion, commander-in-chief of the company's forces in Bengal: that he did propose to the said Colonel Alexander Champion, in three letters, received on the 14th, 24th, and 27th of May, to put himself under the protection either of the company or of the vizier, through the mediation, and with the guarantee of the company; and that he did offer "whatever was conferred upon him, to pay as much without damage or deficiency, as any other person would agree to do;" stating at the same time his condition and pretensions herein before recited, as facts "evident as the sun;" and appealing in a forcible and awful manner, to the generosity and magnanimity of this nation, "by whose means he hoped in God, that he should receive justice;" and as "the person, who designed the war, was no more;" as "in that he was himself guiltless;" and, as "he had never acted in such a manner as for the vizier to have taken hatred to his heart against him; that he might be reinstated in his ancient possessions, the country of his father."

V. That, on the last of the three dates above mentioned, that is to say, on the 27th of May, the Nabob Fyzoola Khân did also send to the commander-in-chief a vakeel, or ambassador, who was authorized on the part of him (the Nabob Fyzoola Khân, his master) to make a specific offer of

three propositions; and that by one of the said propositions, "an annual increase of near £400,000 would have accrued to the revenues of our ally, and the immediate acquisition of above £300,000 to the company, for their influence in effecting an accommodation perfectly consistent with their engagements to the vizier," and strictly consonant to the demands of justice.

VI. That so great was the confidence of the Nabob Fyzoola Khân in the just, humane, and liberal feelings of Englishmen, as to "lull him into an inactivity" of the most essential detriment to his interests; since, "in the hopes, which he entertained from the interposition of our government," he declined the invitation of the mogul to join the arms of his majesty and the Mahrattas, "refused any connection with the Seiks," and did even neglect to take the obvious precaution of crossing the Ganges, as he had originally intended, while the river was yet fordable, a movement that would have enabled him certainly to baffle all pursuit, and probably "to keep the vizier in a state of disquietude for the remainder of his life."

VII. That the commander-in-chief, Colonel Alexander Champion aforesaid, "thought nothing could be more honorable to this nation than the support of so exalted a character; and whilst it could be done on terms so advantageous, supposed it very unlikely, that the vakeel's proposition should be received with indifference;" that he did accordingly refer it to the administration through Warren Hastings, Esq., then governor of Fort William, and president of Bengal; and he did at the same time inclose to the said Warren Hastings a letter from the Nabob Fyzoola Khân to the said Hastings; which letter does not appear, but must be supposed to have been of the same tenor with those before cited to the commander-in-chief; of which also copies were sent to the said Hastings by the commander-in-chief; and he (the com-

mander-in-chief aforesaid) after urging to the said Hastings sundry good and cogent arguments of policy and prudence, in favor of the Nabob Fyzoola Khân, did conclude by "wishing for nothing so much as for the adoption of some measure, that might strike all the powers of the east with admiration of our justice, in contrast to the conduct of the vizier."

VIII. That in answer to such laudable wish of the said commander-in-chief, the president (Warren Hastings) preferring his own prohibited plans of extended dominion to the mild, equitable, and wise policy inculcated in the standing orders of his superiors, and now enforced by the recommendation of the commander-in-chief, did instruct and "desire" him, the said commander-in-chief, "instead of soliciting the vizier to relinquish his conquest to Fyzoola Khân, to discourage it as much as was in his power;" although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola Khân's innocence as to the origin of the war, or of his hereditary right to the territories which he claimed; but to the said pleas of the Nabob Fyzoola Khân, as well as to the arguments both of policy and justice advanced by the commander-in-chief, he, the said Hastings, did solely oppose certain speculative objects of imagined expediency, summing up his decided rejection of the proposals made by the Nabob Fyzoola Khân, in the following remarkable words:

"With respect to Fyzoola Khân, he *appears not to merit our consideration. The petty sovereign of a country estimated at six or eight lacks ought not for a moment to prove an impediment to any of our measures, or to affect the consistency of our conduct.*"

IX. That in the aforesaid violent and arbitrary position, the said Warren Hastings did avow it to be a public principle of his government, that no right, however manifest, and no

innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavors for their oppression, and even extirpation, should they interfere with our notions of political expediency: and that such a principle is highly derogatory to the justice and honor of the English name, and fundamentally injurious to our interests, inasmuch as it hath an immediate tendency to excite distrust, jealousy, fear, and hatred against us among all the subordinate potentates of Hindostan.

X. That, in prosecution of the said despotic principle, the president (Warren Hastings aforesaid) did persist to obstruct, as far as in him lay, every advance towards an accommodation between the Vizier Sujah ul Dowla, and the Nabob Fyzoola Khân; and particularly on the 16th of September, only eight days after the said Hastings, in conjunction with the other members of the select committee of Bengal, had publicly testified his *satisfaction* in the prospect of *an accommodation*, and had *hoped* that "his excellency (the vizier) would be disposed to conciliate the affections (of the Rohillas) to his government *by acceding to lenient terms;*" he, the said Hastings, did nevertheless write, and, without the consent or knowledge of his colleagues, did privately despatch, a certain answer to a letter of the commander-in-chief; in which answer the said Hastings did express other *contradictory hopes*, namely, that the commander-in-chief *had resolved on prosecuting the war to a final issue*, "because (as the said Hastings explains himself) it appears very plainly that Fyzoola Khân, and his adherents, *lay at your mercy;* because I apprehend much inconvenience from delays; and because *I am morally certain that no good will be gained by negotiating;*" thereby artfully suggesting his wishes of what might be, in his hopes of what had been, resolved; and plainly, though indirectly, instigating the commander-in-chief to much effusion of blood in an immediate attack on the Rohillas, posted as they were "in a very strong situation," and "combating for all."

XI. That the said Hastings, in the answer aforesaid, did further endeavor to inflame the commander-in-chief against the Nabob Fyzoola Khân, by representing the said nabob as "highly presuming, insolent, and evasive;" and knowing the distrust which the Nabob Fyzoola Khân entertained of the vizier, the said Hastings did "expressly desire it should be left wholly to the vizier to treat with the enemy by *his own agents* and *in his own manner;*" though he, the said Hastings, "by no means wished the vizier to lose time by seeking an accommodation, since it would be more effectual, more decisive, and more *consistent with his dignity, indeed with his honor, which he has already pledged*, to abide by his first offers to dictate the conditions of peace, and to admit only an acceptance without reservation, or a clear refusal from his adversary;" thereby affecting to hold up, in opposition to, and in exclusion of, the substantial claims of justice, certain ideal obligations of dignity and honor, that is to say, the gratification of pride, and the observance of an arrogant determination once declared.

XII. That although the said answer did not reach the commander-in-chief until peace was actually concluded; and although the dangerous consequences to be apprehended from the said answer were thereby prevented, yet by the sentiments contained in the said answer, Warren Hastings, Esq., did strongly evince his ultimate adherence to all the former violent and unjust principles of his conduct towards the Nabob Fyzoola Khân, which principles were disgraceful to the character, and injurious to the interests, of this nation: and that the said Warren Hastings did thereby, in a particular manner, exclude himself from any share of credit for "the honorable period put to the Rohilla war, which has in some degree done away the reproach so wantonly brought on the English name."

RIGHTS OF FYZOOLA KHÂN UNDER THE TREATY OF LALL-DANG.

I. THAT notwithstanding the culpable and criminal reluctance of the President Hastings, herein before recited, a treaty of peace and friendship between the Vizier Sujah ul Dowla and the Nabob Fyzoola Khân was finally signed and sealed, on the 7th October, 1774, at a place called Lall-Dang, in the presence, and with the attestation of the British commander-in-chief, Colonel Alexander Champion aforesaid; and that for the said treaty the Nabob Fyzoola Khân agreed to pay, and did actually pay, the valuable consideration of half his treasure, to the amount of fifteen lacks of rupees, or £150,000 sterling, and upwards.

II. That by the said treaty the Nabob Fyzoola Khân was established in the quiet possession of Rampore, Shawabad, and "some other districts dependent thereon," subject to certain conditions, of which the more important were as follow:

"That Fyzoola Khân should retain in his service five thousand *troops*, and not a single man more:

"That with whomsoever the vizier should make war, Fyzoola Khân should send *two or three thousand men, according to his ability*, to join the forces of the vizier:

"And that, if the vizier should march in person, Fyzoola Khân should himself accompany him *with his troops*."

III. That from the terms of the treaty above recited it doth plainly, positively, and indisputably appear, that the Nabob Fyzoola Khân, in case of war, was not bound to furnish more than three thousand men under any construction, unless the vizier should march in person.

IV. That the nabob Fyzoola Khân was not positively

bound to furnish so many as three thousand men, but an indefinite number, not more than three, and not less than two, thousand; that, of the precise number within such limitations, the ability of Fyzoola Khân, and not the discretion of the vizier, was to be the standard; and that such ability could only mean that, which was equitably consistent not only with the external defence of his jaghire, but with the internal good management thereof, both as to its police and revenue.

V. That even in case the vizier should march in person, it might be reasonably doubted whether the personal service of the Nabob Fyzoola Khân "with his troops" must be understood to be, with *all* his troops, or only with the number before stipulated, not more than three, and not less than two, thousand men; and that the latter is the interpretation finally adopted by Warren Hastings aforesaid, and the council of Bengal, who, in a letter to the court of directors, dated April 5th, 1783, represent the clauses of the treaty relative to the stipulated aid as meaning simply, that Fyzoola Khân "should send two or three thousand men to join the vizier's forces, or attend in person in case it should be requisite."

VI. That from the aforesaid terms of the treaty it doth not specifically appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion of both; but that it is the recorded opinion, maturely formed by the said Hastings and his council, in January, 1783, that even "a single horseman included in the aid which Fyzoola Khân might furnish, would prove a literal compliance with the stipulation."

VII. That, in the event of any doubt fairly arising from the terms of the treaty, the Nabob Fyzoola Khân, in consideration of his hereditary right to the whole country, and the price by him actually paid for the said treaty, was in equity entitled to the most favorable construction.

VIII. That, from the attestation of Colonel Champion aforesaid, the government of Calcutta acquired the same right to interpose with the vizier for the protection of the Nabob Fyzoola Khân, as they, the said government, had before claimed from a similar attestation of Sir Robert Barker to assist the vizier in extirpating the whole nation of the said Fyzoola Khân; more especially as, in the case of Sir Robert Barker, it was contrary to the remonstrances of the then administration, and the furthest from the intentions of the said Barker himself, that his attestation should involve the company; but the attestation of Colonel Champion was authorized by all the powers of the government, as a "sanction" intended "to add validity" to the treaty: that they, the said government, and in particular the said Warren Hastings, as the first executive member of the same, were bound by the ties of natural justice duly to exercise the aforesaid right, if need were; and that their duty so to interfere was more particularly enforced by the spirit of the censures passed both by the directors and proprietors in the Rohilla war, and the satisfaction expressed by the directors "in the honorable end put to that war."

GUARANTEE OF THE TREATY OF LALL-DANG.

I. That during the life of the Vizier Sujah ul Dowla, and for some time after his death, under his son and successor Asoph ul Dowla, the Nabob Fyzoola Khân did remain without disturbance or molestation; that he did all the while imagine his treaty to be under the sanction of the company, from Colonel Champion's affixing his signature thereto as a witness, "which signature, as he (Fyzoola Khân) supposed," rendered the company the *arbitrators* between the vizier and

himself, in case of disputes; and that, being "a man of sense, but *extreme pusillanimity*, a good farmer, fond of wealth, *not possessed of the passion of ambition*," he did peaceably apply himself to "improve the state of his country; and did, by his own *prudence and attention* increase the revenues thereof beyond the amount specified in Sujah ul Dowla's grant."

II. That in the year 1777, and in the beginning of the year 1778, being "alarmed at the young vizier's resumption of a number of jaghires granted by his father to different persons, and the injustice and oppression of his conduct in general;" and having now learned (from whom does not appear, but probably from some person supposed of competent authority) that Colonel Champion formerly witnessed the treaty as a private person, the Nabob Fyzoola Khân did make frequent and urgent solicitations to Nathaniel Middleton, Esq., then resident at Oude, and to Warren Hastings aforesaid, then governor-general of Bengal, "for a renovation of his (the Nabob Fyzoola Khân's) treaty with the late vizier, and the guarantee of the company," or for a "separate agreement with the company for his defence;" considering them (the company) as "the only power in which he had confidence, and to which he could look up for protection."

III. That the said resident Middleton, and the said governor-general Hastings, did not as they were in duty bound to do, endeavor to allay the apprehensions of the Nabob Fyzoola Khân by assuring him of his safety under the sanction of Colonel Champion's attestation aforesaid; but by their criminal neglect, if not by positive expressions (as there is just ground from their subsequent language and conduct to believe) they, the said Middleton and the said Hastings, did at least keep alive and confirm (whoever may have originally suggested) the said apprehension; and that such neglect alone was the more highly culpable in the said Hastings, inas-

much as he, the said Hastings, in conjunction with other members of the select committee of the then presidency of Bengal, did, on the 17th of September, 1774, write to Colonel Champion aforesaid, publicly authorizing him, the said Colonel Champion, to join his *sanction* to the accommodations agreed on (between the Vizier Sujah ul Dowla, and the Nabob Fyzoola Khân) *to add to their validity;* and on the 6th of October following, did again write to the said Colonel Champion more explicitly, to join his sanction, "either by attesting the treaty, or *acting as guarantee* on the part of the company for the performance of it;" both which letters, though they did not arrive until after the actual signature of the said Colonel Champion, do yet incontrovertibly mark the solemn intention of the said committee (of which the said Hastings was president) that the sanction of Colonel Champion's attestation should be regarded as a public, not a private, sanction; and it was more peculiarly incumbent on such persons, who had been members of the said committee, so to regard the same.

IV. That the said Warren Hastings was further guilty of much criminal concealment for the space of "twelve months," inasmuch as he did not lay before the board the frequent and urgent solicitations, which he, the said Hastings, was continually receiving from the Nabob Fyzoola Khân, until the 9th of March, 1778; on which day the said Hastings did communicate to the council a public letter of the aforesaid Middleton, resident at Oude, acquainting the board, that he (the said Middleton) taking occasion from a late application of Fyzoola Khân for the company's guarantee, had deputed Mr. Daniel Octavus Barwell (assistant resident at Benares, but then on a visit to the resident Middleton at Lucknow) to proceed with a special commission to Rampore, there to inquire on the spot into the truth of certain reports circulated to the prejudice of Fyzoola Khân, which reports, however, the said Middleton did afterwards confess himself

to have "*always*" *thought* "*in the highest degree improbable.*"

That the said resident Middleton did "request to know whether, on proof of Fyzoola Khân's innocence, the honorable board would be pleased to grant him (the resident) permission to comply with his (Fyzoola Khân's) request of the company's guarantying his treaty with the vizier." And the said Middleton, in excuse for having irregularly "availed himself of the abilities of Mr. Daniel Barwell," who belonged to another station, and for deputing him with the aforesaid commission to Rampore, without the previous knowledge of the board, did urge the plea "*of immediate necessity;*" and that such plea, if the necessity really existed, was a strong charge and accusation against the said Warren Hastings, from whose criminal neglect and concealment the urgency of such necessity did arise.

V. That the governor-general, Warren Hastings aforesaid, did immediately move "that the board approve the deputation of Mr. Daniel Barwell, and that the resident (Middleton) be authorized to offer the company's guarantee for the observance of the treaty subsisting between the vizier and Fyzoola Khân, provided it meets with the vizier's concurrence;" and that the governor-general's proposition was resolved in the affirmative; the usual majority of council then consisting of Richard Barwell, Esq., a near relation of Daniel Octavus Barwell, aforesaid, and the governor-general Warren Hastings, who, in case of an equality, had the casting voice.

VI. That on receiving from Mr. Daniel Barwell full and early assurance of Fyzoola Khân's "having preserved every article of his treaty inviolate," the resident Middleton applied for the vizier's concurrence, which was readily obtained; the vizier however *premising* that he gave his consent, "taking it for granted, that on Fyzoola Khân's receiving the treaty, and khelaut (or robe of honor) he was to make him a return

of the complimentary presents usually offered on such occasions, and *of such an amount as should be a manifestation of Fyzoola Khân's due sense of his friendship, and suitable to his excellency's rank to receive;* and that the resident Middleton "did make himself in some measure responsible for the said presents being obtained," and did write to Mr. Daniel Barwell accordingly.

VII. That, agreeably to the resolution of council herein before recited, the solicited guarantee, under the seal of the resident Middleton, thus duly authorized on behalf of the company, was transmitted, together with the renewed treaty, to Mr. Daniel Barwell aforesaid at Rampore; and that they were both by him, the said Barwell, presented to the Nabob Fyzoola Khân, with a solemnity not often paralleled, "in the presence of the greatest part of the nabob's subjects, who were assembled, that the ceremony might create a full belief in the breasts of all his people, that the company would protect him as long as he strictly adhered to the *letter* of his treaty."

VIII. That in the conclusion of the said ceremony the Nabob Fyzoola Khân did deliver to the said Barwell, for the use of the vizier, a nuzzer (or present) of elephants, horses, &c., and did add thereto a lack of rupees, or £10,000 and upwards; which sum the said Barwell, "not being authorized to accept any pecuniary consideration, did at first refuse;" but upon Fyzoola Khân's urging, that on such occasions it was the invariable custom of Hindostan, and *that it must on the present be expected, as it had been formerly the case*" (but when, does not appear); he the said Barwell did accept the "said lack in the name of the vizier," our ally, "in whose wealth (as Warren Hastings on another occasion observed) we should participate," and on whom we at that time had an accumulating demand.

IX. That, over and above the lack of rupees thus presented to the vizier, the Nabob Fyzoola Khân did likewise offer one other lack of rupees, or upwards of £10,000 more, for the company, "as some acknowledgment of the obligation he received: that although such acknowledgment was not pretended to be the invariable custom of Hindostan on such occasions, however it might on the present be expected," Mr. Daniel Barwell aforesaid (knowing probably the disposition and views of the then actual government at Calcutta) did not, *even at first*, decline the said offer, but, as he was not empowered to accept it, did immediately propose taking a bond for the amount, until the pleasure of the board should be known.

That the offer was accordingly communicated by the said Barwell to the resident Middleton, to be by him the resident referred to the board; and that it was so referred; that in reply to the said reference of the resident Middleton, the governor-general (Warren Hastings) did move and carry a vote of council, "authorizing Mr. Middleton to accept the offer made by Fyzoola Khân to the company of one lack of rupees," without assigning any reason whatever in support of the said motion, notwithstanding it was objected by a member of the board, "that, if the measure was right, it became us to adopt it without such a consideration;" and that "our accepting of the lack of rupees as a recompense for our interposition is beneath the dignity of this government (of Calcutta) and will discredit us in the eyes of the Indian powers."

That the acceptance of the said sum, in this circumstance, was beneath the dignity of the said government, and did tend so to discredit us; and that the motion of the said Hastings for such acceptance was therefore highly derogatory to the honor of this nation.

X. That the aforesaid member of the council did further disapprove altogether of the guarantee, "as unnecessary;"

and that another member of council, Richard Barwell, Esq., the near relation of Daniel Octavus Barwell, herein before named, did declare (but after the said guarantee had taken place) that "this government (of Calcutta) was in fact engaged, by Colonel Champion's signature being to the treaty with Fyzoola Khân," that the said unnecessary guarantee did not only subject to a heavy expense a prince, whom we were bound to protect, but did further produce in his mind the following obvious and natural conclusions; namely, "*that the signature of any person, in whatever public capacity he at present appears, will not be valid and of effect, as soon as some other shall fill his station;*" a conclusion, however, immediately tending to the total discredit of all powers delegated from the board to any individual servant of the company, and consequently to clog, perplex, and embarrass in future all transactions carried on at a distance from the seat of government, and to disturb the security of all persons possessing instruments already so ratified; yet the only conclusion left to Fyzoola Khân, which did not involve some affront either to the private honor of the company's servants, or to the public honor of the company itself; and that the suspicions, which originated from the said idea in the breast of Fyzoola Khân, to the prejudice of the resident Middleton's authority, did compel the governor-general, Warren Hastings, to obviate the bad effects of his first motion for the guarantee by a second motion; namely, "that a letter be written to Fyzoola Khân from myself, *confirming the obligations of the company, as guarantees* to the treaty formed between him and the vizier; which will be equivalent in its effect, though not in form, to an engagement sent him with the company's seal affixed to it."

XII. That whether the guarantee aforesaid was or was not necessary; whether it created a new obligation, or but more fully recognised an obligation previously existing; the governor-general, Warren Hastings, by the said guarantee,

did, in the most explicit manner, pledge and commit the public faith of the company, and the nation; and that by the subsequent letter of the said Hastings (which he at his own motion wrote, confirming to Fyzoola Khân the aforesaid guarantee) the said Hastings did again pledge and commit the public faith of the company and the nation, in a manner (as the said Hastings himself remarked) "equivalent to an engagement with the company's seal affixed to it;" and more particularly binding the said Hastings personally to exact a due observance of the guarantied treaty, especially to protect the Nabob Fyzoola Khân against any arbitrary construction, or unwarranted requisition of the vizier.

THANKS OF THE BOARD TO FYZOOLA KHÂN.

That soon after the completion of the guarantee, in the same year, 1778, intelligence was received in India of a war between England and France: that on the first intimation thereof the Nabob Fyzoola Khân, "being indirectly sounded," did show much "promptness to render the company any assistance within the bounds of his finances and ability;" and that by the suggestion of the resident Middleton, herein before named, he (the Nabob Fyzoola Khân) in a letter to the governor-general and council, did make a voluntary "offer to maintain two thousand cavalry (all he had) for our service;" "though he was under no obligation to furnish the company with a single man."

II. That the Nabob Fyzoola Khân did even "anticipate the wishes of the board;" and that "on an application made to him by Lieutenant Colonel Muir," the Nabob Fy-

zoola Khân did, "without hesitation or delay," furnish him (the said Muir) with five hundred of his best cavalry.

That the said conduct of the Nabob Fyzoola Khân was communicated by the company's servants, both to each other, and to their employers, with expressions of "pleasure" and "particular satisfaction," as an event "even surpassing their expectations:" that the governor-general, Warren Hastings, was officially requested to convey "the thanks of the board;" and that, not satisfied with the bare discharge of his duty under the said request, he, the said Hastings, did, on the 8th of January, 1779, write to Fyzoola, "that *in his own name*," as well as "that of the board, he, the said Hastings, returned him the *warmest* thanks for this instance of his faithful attachment to the company and the English nation."

IV. That, by the strong expressions above recited, the said Warren Hastings did deliberately and emphatically add his own particular confirmation to the general testimony of the Nabob Fyzoola Khân's meritorious fidelity, and of his consequent claim on the generosity, no less than the justice, of the British government.

DEMAND OF FIVE THOUSAND HORSE.

I. That, notwithstanding his own private honor thus deeply engaged, notwithstanding the public justice and generosity of the company, and the nation, thus solemnly committed, disregarding the plain import and positive terms of the guarantied treaty, the governor-general, Warren Hastings aforesaid, in November, 1780, (while a body of Fyzoola

Khân's cavalry, voluntarily granted, were still serving under a British officer) did recommend to the vizier "to require from Fyzoola Khân the quota of troops stipulated by treaty to be furnished by the latter for his (the vizier's) service, being FIVE THOUSAND HORSE;" though, as the vizier did not march in person, he was not, under any construction of the treaty, entitled by stipulation to more than "*two* or *three thousand troops*," horse and foot, "according to the ability of Fyzoola Khân;" and that, whereas the said Warren Hastings would have been guilty of very criminal perfidy, if he had simply neglected to interfere as a guarantee against a demand thus plainly contrary to the faith of treaty, so he aggravated the guilt of his perfidy, in the most atrocious degree, by being himself the first mover and instigator of that injustice, which he was bound by so many ties on himself, the company, and the nation, not only not to promote, but by every exertion of authority, influence, and power, to control, to divert, or to resist.

II. That the answer of Fyzoola Khân to the vizier did represent, with many expressions of deference, duty, and allegiance, that

The whole force allowed him was but "five thousand men," and that "these consisted of two thousand horse, and three thousand foot; which (he adds) in consequence of our intimate connection are equally yours and the company's;" though he does subsequently intimate that "the three thousand foot are for the management of the concerns of his jaghire, and without them the collections can never be made in time."

That on the communication of the said answer to the governor-general, Warren Hastings, he, the said Hastings, (who, as the council now consisted only of himself and Edward Wheler, Esq., "united in his own person all the powers of government,") was not induced to relax from

his unjust purpose: but did proceed with new violence to record, that

"The Nabob Fyzoola Khân *had evaded the performance of his part of the treaty* between the late Nabob Sujah ul Dowla and him, to which the honorable company were guarantees, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish on the condition by which he holds the jaghire granted to him."

That, by the vague and indefinite term of evasion, the said Warren Hastings did introduce a loose and arbitrary principle of interpreting formal engagements, which ought to be regarded, more especially by guarantees, in a sense the most literally scrupulous and precise.

That he charged with such evasion a moderate, humble, and submissive representation on a point which would have warranted a peremptory refusal, and a positive remonstrance; and that, in consequence of the said imputed evasion, he indicated a disposition to attach such a forfeiture as in justice could only have followed from a gross breach of treaty; though the said Hastings did not then pretend any actual infringement even of the least among the conditions, to which, in the name of the company, he, the said Hastings, was the executive guarantee.

III. That, however "the number of troops stipulated by treaty may have been understood," at the period of the original demand, "to be five thousand horse," yet the said Warren Hastings, at the time when he recorded the supposed evasion of Fyzoola Khân's answer to the said demand, could not be unacquainted with the express words of the stipulation, as a letter of the vizier, inserted in the same consultation, refers the governor-general to inclosed copies "of all engagements entered into by the late vizier, and by himself, (the reigning vizier,) with Fyzoola Khân;" and that the treaty itself, therefore, was at the very moment before the

said Warren Hastings; which treaty (as the said Hastings observed with respect to another treaty, in the case of another person) "most assuredly does not contain a syllable to justify his conduct; but by the unexampled latitude which he assumes in his constructions, he may, if he pleases, extort this or any other meaning from any part of it."

IV. That the vizier himself appears by no means to have been persuaded of his own right to five thousand horse under the treaty; since, in his correspondence on the subject, he (the vizier) no where mentions the treaty as the ground of his demand, except where he is recapitulating to the governor-general, Warren Hastings, the substance of his (the said Hastings's) own letters; on the contrary, the vizier hints his apprehensions lest Fyzoola Khân should appeal to the treaty against the demand, as a breach thereof, in which case he (the vizier) informs the said Hastings of the projected reply: "Should Fyzoola Khân (says the vizier) mention any thing of the tenor of the treaty, *the first breach of it has been committed by him*, in keeping up more men than allowed of by the treaty: *I have accordingly sent a person to settle that point also.* In case he should mention to me any thing re-respecting the treaty, I will then reproach him with having kept up too many troops, and will oblige him to send the five thousand horse;" thereby clearly intimating that as a remonstrance against the demand, as a breach of treaty, could only be answered by charging a prior breach of treaty on Fyzoola Khân, so, by annulling the whole treaty, to reduce the question to a mere question of force, and thus "oblige Fyzoola Khân to send the five thousand horse:" "for (continues the vizier) if, when the company's affairs, on which my honor depends, require it, Fyzoola Khân will not lend his assistance, *what* USE *is there to continue the country to him?*"

That the vizier actually did make his application to Fyzoola Khân for the five thousand horse, not as for an aid, to

which he had a just claim, but as for something over and above the obligations of the treaty, something "that would give increase to their friendship, and satisfaction to the nabob governor," (meaning the said Hastings,) whose directions he represents as the motive "of his call for the five thousand horse, to be employed" not in his (the vizier's) but in the "company's service."

And that the aforesaid Warren Hastings did, therefore, in recording the answer of Fyzoola Khân as an evasion of treaty, act in notorious contradiction not only to that which ought to have been the fair construction of the said treaty, but to that which he, the said Hastings, must have known to be the vizier's own interpretation of the same, disposed as the vizier was "to reproach Fyzoola Khân with breach of treaty," and to "send up persons who should settle points with him."

V. That the said Warren Hastings, not thinking himself justified, on the mere plea of an evasion, to push forward his proceedings to that extremity, which he seems already to have made his scope and object, and, seeking some better color for his unjust and violent purposes, did further move, that commissioners should be sent from the vizier and the company to Fyzoola Khân, to insist on a clause of a treaty, which no where appears, being essentially different from the treaty of Lall-Dang, though not in the part on which the requisition is founded; and the said Hastings did then, in a style unusually imperative, proceed as follows:

"*Demand immediate delivery of three thousand cavalry; and if he should evade or refuse compliance, that the deputies shall deliver him a formal protest against him for breach of treaty*, and return, making this report to the vizier, which Mr. Middleton is to transmit to the board."

VI. That the said motion of the governor-general, Hastings, was ordered accordingly, the council, as already has been herein related, consisting but of two members, and the

said Hastings consequently "uniting in his own person all the powers of government."

VII. That, when the said Hastings ordered the said demand for three thousand cavalry, he, the said Hastings, well knew that a compliance therewith, on the part of the Nabob Fyzoola Khân, was utterly impossible; for he, the said Hastings, had at the very moment before him a letter of Fyzoola Khân, stating that he, Fyzoola Khân, had "but two thousand cavalry" altogether; which letter is entered on the records of the company, in the same consultation, immediately preceding the governor-general's minute. That the said Hastings therefore knew that the only possible consequence of the aforesaid demand necessarily and inevitably must be a protest for a breach of treaty; and the court of directors did not hesitate to declare that the said demand "carried the appearance of a determination to create a pretext for depriving him (Fyzoola Khân) of his jaghire entirely, or to leave him at the mercy of the vizier."

VIII. That Richard Johnson, Esq., assistant resident at Oude, was, agreeably to the afore-mentioned order of council, deputed commissioner from Mr. Middleton and the vizier to Fyzoola Khân; but that he did early give the most indecent proofs of glaring partiality, to the prejudice of the said Fyzoola Khân; for that the very next day (as it seems) after his arrival, he, the said Johnson, from opinions imbibed in his journey, did state himself to be "unwilling to draw any favorable or flattering inferences relatively to the object of his mission;" and did studiously seek to find new breaches of treaty; and without any form of regular inquiry whatever, from a single glance of his eye in passing, did take upon himself to pronounce "the Rohilla soldiers, in the district of Rampore alone, to be not less than twenty thousand," and the grant of course to be forfeited. And that such a gross and palpable display of a predetermination to discover guilt did

argue, in the said Johnson, a knowledge, a strong presumption, or a belief, that such representations would be agreeable to the secret wishes and views of the said Hastings, under whose orders he, the said Johnson, acted, and to whom all his reports were to be referred.

IX. That the said Richard Johnson did soon after proceed to the immediate object of his mission, "which (the said Johnson relates) was short to a degree." The demand was made, and "a flat refusal" given; the question was repeated with like effect. The said Johnson, in presence of proper witnesses, then drew up his protest, "together with a memorandum of a *palliative offer* made by the nabob Fyzoola Khân," and inserted in the protest:

"That he would, in compliance with the demand, and *in conformity to the treaty, which specified no definitive number of cavalry or infantry, only expressing troops*, furnish three thousand men; viz. he would, in addition to the one thousand cavalry already granted, give one thousand more, when and wheresover required, and one thousand foot;" together with one year's pay in advance, and funds for the regular payment of them in future.

And this (the said Richard Johnson observes) "I put down at his (the Nabob Fyzoola Khân's) particular desire, but otherwise useless, as *my orders* (which orders do not appear) *were not to receive any palliation, but a negative or affirmative;*" though such palliation, as it is called by the said Johnson, might be, as it was, in the strictest conformity to the treaty.

X. That in the said offer the Nabob Fyzoola Khân, instead of palliating, did at once admit the extreme right of the vizier, under the treaty, by agreeing to furnish three thousand men, when he (Fyzoola Khân) would have been justified in pleading his inability to send more than two thousand. That such inability would not (as appears) have been a false

and evasive plea, but perfectly true and valid; as the three thousand foot maintained by Fyzoola Khân were for the purposes of his internal government, for which the whole three thousand must have been demonstrably necessary: and that the Nabob Fyzoola Khân, by declining to avail himself of a plea so fair, so well-founded, and so consonant to the indulgence expressly acknowledged in the treaty, and by thus meeting the specific demand of the vizier as fully as, according to his own military establishment, he could, did for the said offer deserve rather the thanks of the said vizier and the company, than the protest, which the aforesaid Johnson, under the orders of Warren Hastings, did deliver.

XI. That the report of the said protest, as well as the former letter of the said Johnson, were by the resident Middleton transmitted to the board, together with a letter from the vizier, founded on the said report and letter of the said Johnson, and proposing in consequence "to resume the grant, and to leave Fyzoola Khân to join his other faithless brethren, who were sent across the Ganges."

That the said papers were read in council on the 4th of June, 1781, when the governor-general, Warren Hastings, did move and carry a vote to suspend a final resolution on the same; and the said Hastings did not express any disapprobation of the proceedings of the said Johnson; neither did the said Hastings assign any reasons for his motion of suspension, which passed without debate. That in truth the said Hastings had then projected a journey up the country to meet the vizier, for the settlement of articles relative to the regulation of Oude and its dependencies, among which was included the jaghire of Fyzoola Khân; and the said Hastings, for the aforesaid purposes, did, on the 3d of July, by his own casting vote, grant to himself, and did prevail on his colleague, Edward Wheler, Esq., to grant, a certain illegal delegation of the whole powers of the governor-general and council; and on the seventh of the same month did proceed

on his way to join the vizier at a place called Chunar, on the borders of Benares; and that the aforesaid vote of suspending a final resolution on the transactions with Fyzoola Khân was therefore, in substance and effect, a reference thereof by the said Hastings, from himself in council with his colleague, Wheler, to himself in conference and negotiation with the vizier, who, from the first demand of the five thousand horse, had taken every occasion of showing his inclination to dispossess Fyzoola Khân, and who, before the said demand, (in a letter, which does not appear, but which the vizier himself quotes as antecedent to the said demand,) had complained to the said Hastings of the "injury and irregularity in the management of the provinces bordering on Rampore, arising from Fyzoola Khân having the uncontrolled dominion of that district."

TREATY OF CHUNAR.

I. That the governor-general, Warren Hastings, being vested with the illegal powers before recited, did, on the 12th of September, 1781, enter into a treaty with the vizier at Chunar; which treaty (as the said Hastings relates) was drawn up "from a series of requisitions presented to him (the said Hastings) by the vizier," and by him received "with an instant and unqualified assent to each article;" and that the said Hastings assigns his reasons for such ready assent in the following words: "I considered the subjects of his (the vizier's) requests, as essential to the reputation of our government, and no less to our interest than his."

II. That in the said treaty of Chunar the third article is as follows:

"That as Fyzoola Khân has by his breach of treaty forfeited the protection of the English government, and causes

by his continuance in his present independent state great alarm and detriment to the nabob vizier, he be permitted, *when time shall suit,* to resume his lands, and pay him in money, through the resident, the amount stipulated by treaty, after deducting the amount and charges of the troops he stands engaged to furnish by treaty; which amount shall be passed to the account of the company during the continuance of the present war."

III. That, for the better elucidation of his policy in the several articles of the treaty above-mentioned, the said Hastings did send to the council of Calcutta (now consisting of Edward Wheler and John Macpherson, Esqrs.) two different copies of the said treaty, with explanatory minutes opposed to each article; and that the minute opposed to the third article is thus expressed:

"The conduct of Fyzoola Khân, in refusing the aid demanded, though [1]*not an absolute breach of treaty,* was evasive and uncandid. [2]*The demand was made for five thousand cavalry.* [3]*The engagement in the treaty is literally for five thousand horse and foot;* Fyzoola Khân could not be ignorant that we had no occasion for any succors of infantry from him, and that cavalry would be of the most essential service. [4]*So scrupulous an attention to literal expression, when a more liberal interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly disposition, though it may not impeach his fidelity, and leaves him little claim to any exertions from us for the continuance of his jaghire. But* [5]*I am of opinion that neither the vizier's nor the company's interests would be promoted by depriving Fyzoola Khân of his independency, and I have* [6]*therefore reserved the execution of this agreement to an indefinite term; and our government may always interpose to prevent any ill effects from it.*"

IV. That in his aforesaid authentic evidence of his own

purposes, motives, and principles, in the third article of the treaty of Chunar, the said Hastings hath established divers matters of weighty and serious crimination against himself.

1st. That the said Hastings doth acknowledge therein, that he did, in a public instrument, solemnly recognise, "*as a breach of treaty*," and as such did subject to the consequent penalties, an act, which he, the said Hastings, did at the same time think, and did immediately declare to be "*no breach of treaty;*" and, by so falsely and unjustly proceeding against a person under the company's guarantee, the said Hastings, on his own confession, did himself break the faith of the said guarantee.

2dly. That, in justifying this breach of the company's faith, the said Hastings doth *wholly abandon his second peremptory demand for the three thousand horse*, and the protest consequent thereon; and the said Hastings doth thereby himself condemn the violence and injustice of the same.

3dly. That, in recurring to the original demand of five thousand horse as the ground of his justification, the said Hastings doth falsely assert "the engagement in the treaty to be *literally* FIVE *thousand horse and foot*," whereas it is in fact for TWO *or* THREE *thousand men;* and the said Hastings doth thereby wilfully attempt to deceive and mislead his employers, which is a high crime and misdemeanor in a servant of so great trust.

4thly. That with a view to his further justification, the said Hastings doth advance a principle, that "*a scrupulous attention to the literal expression*" of a guarantied treaty "*leaves*" to the person so observing the same "*but little claim to the exertions*" *of a guarantee on his behalf;* that such a principle is utterly subversive of all faith of guarantees, and is therefore highly criminal in the first executive member of a government, that must necessarily stand in that mutual relation to many.

5thly. That the said Hastings doth profess his opinion of

an article, to which he gave an "*instant and unqualified assent,*" that it was a measure "*by which neither the vizier's nor the company's interests would be promoted,*" but from which, without some interposition, "*ill effects must be expected;*" and that the said Hastings doth thereby charge himself with a high breach of trust towards his employers.

6thly. That the said Hastings having thus confessed that, consciously and wilfully, (from what motives he hath not chosen to confess,) he did give his formal sanction to a measure both of injustice and impolicy, he, the said Hastings, doth urge, in his defence, that he did at the same time insert words "reserving the execution of the said agreement to an indefinite term;" with an intent that it might, in truth, be never executed at all; but "that our government might always interpose," without right, by means of an indirect and undue influence, to prevent the ill effects following from a collusive surrender of a clear and authorized right to interpose; and the said Hastings doth thereby declare himself to have introduced a principle of duplicity, deceit, and double dealing, into a public engagement, which ought in its essence to be clear, open, and explicit; that such a declaration tends to shake and overthrow the confidence of all in the most solemn instruments of any person so declaring, and is therefore an high crime and misdemeanor in the first executive member of government, by whom all treaties and other engagements of the state are principally to be conducted.

V. That, by the explanatory minute aforesaid, the said Warren Hastings doth further, in the most direct manner, contradict his own assertions in the very letter which inclosed the said minute to his colleagues; for that one of the articles to which he there gave "*an instant and unqualified assent, as no less to our interest than to the vizier's,*" he doth here declare unequivocally to be *neither to our interest nor the vizier's;* and the "*unqualified* assent" given to the said article is now so *qualified* as wholly to defeat itself. That,

by such irreconcilable contradictions, the said Hastings doth incur the suspicion of much criminal misrepresentation in other like cases of unwitnessed conferences; and in the present instance (as far as it extends) the said Hastings doth prove himself to have given an account both of his actions and motives, by his own confession untrue, for the purpose of deceiving his employers, which is an high crime and misdemeanor in a servant of so great trust.

VI. That the said third article of the treaty of Chunar, as it thus stands explained by the said Hastings himself, doth on the whole appear designed to hold the protection of the company in suspense; that it acknowledges all right of interference to cease, but leaves it to our discretion to determine when it will suit our convenience to give the vizier the liberty of acting on the principles by us already admitted: that it is dexterously constructed to balance the desires of one man, rapacious and profuse, against the fears of another, described as "of extreme pusillanimity, and wealthy:" but that whatever may have been the secret objects of the artifice and intrigue confessed to form its very essence, it must on the very face of it necessarily implicate the company in a breach of faith, whichever might be the event, as they must equally break their faith, either by withdrawing their guarantee unjustly, or by continuing that guarantee in contradiction to this treaty of Chunar; that it thus tends to hold out to India, and to the whole world, that the public principle of the English government is a deliberate system of injustice, joined with falsehood; of impolicy, of bad faith, and treachery; and that the said article is therefore in the highest degree derogatory to the honor, and injurious to the interests, of this nation.

CONSEQUENCES OF THE TREATY OF CHUNAR.

I. THAT, in consequence of the treaty of Chunar, the governor-general, Warren Hastings, did send official instruction, respecting the various articles of the said treaty, to the said resident Middleton; and that, in a postscript, the said Hastings did forbid the resumption of the Nabob Fyzoola Khân's jaghire, "until circumstances may render it more expedient, and easy to be attempted, than the present more material pursuits of government make it appear;" thereby intimating a positive limitation of the indefinite term in the explanatory minute above recited; and confining the suspension of the article to the pressure of war.

II. That soon after the date of the said instructions, and within two months of the signature of the treaty of Chunar, the said Hastings did cause Sir Elijah Impey, knight, his majesty's chief justice at Fort William, to discredit the justice of the crown of Great Britain, by making him the channel of unwarrantable communication; and did, through the said Sir Elijah, signify to the resident Middleton his (the said Hastings's) "approbation of a *subsidy* from Fyzoola Khân."

III. That the resident, in answer, represents the proper equivalent for 2,000 horse, and 1,000 foot (the forces offered to Mr. Johnson by Fyzoola Khân) to be twelve lacks, or £120,000 sterling, and upwards, each year; which the said resident supposes is considerably beyond what he (Fyzoola Khân) *will voluntarily pay;* "however, if it is your wish that the claim should be made, I am ready to take it up, and *you may be assured nothing in my power shall be left undone to carry it through.*"

IV. That the reply of the said Hastings doth not appear;

but that it does appear on record, that "a negotiation (Mr. Johnson's) was begun for Fyzoola Khân's cavalry to act with General Goddard, and on his (Fyzoola Khân's) *evading* it, *that a sum of money was demanded.*"

V. That in the months of February, March, and April, the resident Middleton did repeatedly propose the resumption of Fyzoola Khân's jaghire, agreeably to the treaty of Chunar; and that, driven to extremity (as the said Hastings supposes) "by the public menaces and denunciations of the resident and minister," Hyder Beg Khân, a creature of the said Hastings (and both the minister and resident acting professedly on and under the treaty of Chunar) "the Nabob Fyzoola Khân made such preparations, and such a disposition of his family and wealth, as evidently manifested either an intended or an *expected rupture.*"

VI. That on the 6th of May, the said Hastings did send his confidential agent and friend, Major Palmer, on a private commission to Lucknow; and that the said Palmer was charged with secret instructions relative to Fyzoola Khân, but of what import cannot be ascertained, the said Hastings in his public instructions having inserted only the name of Fyzoola Khân, as a mere reference (according to the explanation of the said Hastings) to what he had verbally communicated to the said Palmer; and that the said Hastings was thereby guilty of a criminal concealment.

VII. That some time about the month of August, an engagement happened between a body of Fyzoola Khân's cavalry and a part of the vizier's army, in which the latter were beaten, and their guns taken; that the resident Middleton did represent the same but as a slight and accidental affray: that it was acknowledged the troops of the vizier were the aggressors; that it did appear to the board, and to the said Hastings himself, an affair of more considerable magnitude,

and that they did make the concealment thereof an article of charge against the resident Middleton, though the said resident did in truth acquaint them with the same, but in a cursory manner.

VIII. That immediately after the said "fray" at Daranagur, the vizier (who was "but a cipher in the hands" of the minister and resident, both of them directly appointed and supported by the said Hastings,) did make of Fyzoola Khân a new demand, equally contrary to the true intent and meaning of the treaty, as his former requisitions; which new demand was for the detachment in garrison at Daranagur to be cantoned as a stationary force at Lucknow, the capital of the vizier; whereas he (the vizier) had only a right to demand an occasional aid to join his army in the field, or in garrison, during a war. But the said new demand being *evaded*, or rather refused, agreeably to the fair construction of the treaty by the Nabob Fyzoola Khân, the matter was for the present dropped.

IX. That in the letter, in which the resident Middleton did mention "what he calls the fray" aforesaid, the said Middleton did again apply for the resumption of the jaghire of Rampore; and that, the objections against the measure being now removed (by the separate peace with Scindia) he desired to know if the board "would give assurance of their support to the vizier, in case, *which* (says the resident) *I think very probable, his* (the vizier's) *own strength should be found unequal to the undertaking.*

X. That although the said Warren Hastings did make the foregoing application a new charge against the resident Middleton, yet the said Hastings did only criminate the said Middleton for a proposal, tending "at such a crisis to increase the number of our enemies;" and did in no degree, either in his articles of charge, or in his accompanying minutes,

express any disapprobation whatever of the principle; that in truth the whole proceedings of the said resident were the natural result of the treaty of Chunar: that the proceedings were from time to time communicated to the said Hastings. That, as he no where charges any disobedience of orders on Mr. Middleton with respect to Fyzoola Khân, it may be justly inferred, that the said Hastings did not interfere to check the proceedings of the said Middleton on that subject; and that by such criminal neglect the said Hastings did make the guilt of the said Middleton, whatever it might be, his own.

PECUNIARY COMMUTATION OF THE STIPULATED AID.

I. That, on the charges and for the misdemeanors above specified, together with divers other accusations, the governor-general, Warren Hastings, in September, 1782, did remove the aforesaid Middleton from his office of resident at Oude, and did appoint thereto John Bristow, Esq., whom he had twice before, without cause, recalled from the same; and that about the same time the said Hastings did believe the mind of the Nabob Fyzoola Khân to be so irritated, in consequence of the above recited conduct of the late resident Middleton, and of his, the said Hastings's, own criminal neglect, that he, the said Hastings, found it necessary to write to Fyzoola Khân, assuring him "of the favorable disposition of the government towards him, while he shall not have forfeited it by any improper conduct." But that the said assurances of the governor-general did not tend, as soon after appeared, to raise much confidence in the nabob, over whom a public instrument of the same Hastings was still holding the terrors of a deprivation of his jaghire, and an exile "among his other faithless brethren across the Ganges."

II. That, on the subject of Fyzoola Khân, the said Hastings, in his instructions to the new resident Bristow, did leave him to be guided by his own discretion; but (he adds) "be careful to prevent the vizier's affairs from being involved with new difficulties, while he has already so many to oppress him;" thereby plainly hinting at some more decisive measures, whenever the vizier should be less oppressed with difficulties.

III. That the resident Bristow, after acquainting the governor-general with his intentions, did under the said instructions renew the aforesaid claim for a sum of money, but with much caution and circumspection, distinctly sounding Allif Khân, the vakeel (or envoy) of Fyzoola Khân, at the court of the vizier: that "Allif Khân wrote to his master on the subject, and in answer he was directed not to agree to the granting of 'any pecuniary aid.'"

IV. That the resident Bristow did then openly depute Major Palmer aforesaid, with the concurrence of the vizier, and the approbation of the governor-general, to the Nabob Fyzoola Khân, at Rampore; and that the said Palmer was to "endeavor to convince the nabob, that *all doubts of his attachment to the vizier are ceased; and whatever claims may be made on him are founded upon the basis of his interest and advantage, and a plan of establishing his right to the possession of his jaghire.*

That the sudden ceasing of the said doubts, without any inquiry of the slightest kind, doth warrant a strong presumption of the resident's conviction, that they never really existed, but were artfully feigned, as a pretence for some harsh interposition; and that the indecent mockery of establishing, as a matter of favor, for a pecuniary consideration, rights, which were never impeached but by the treaty of Chunar, (an instrument recorded by Warren Hastings himself to be founded on falsehood and injustice,) doth powerfully prove

the true purpose and object of all the duplicity, deceit, and double-dealing, with which that treaty was projected and executed.

V. That the said Palmer was instructed by the resident Bristow, with the subsequent approbation of the governor-general, "to obtain from Fyzoola Khân *an annual tribute;*" to which the resident adds, "If *you can procure from him, over and above this, a peshcush (or fine)* of *at least five lacks*, it would be rendering an essential service to the vizier, and add *to the confidence his excellency would hereafter repose in the attachment of the Nabob Fyzoola Khân.*"

And that the said governor-general Hastings did give the following extraordinary ground of calculation as the basis of the said Palmer's negotiation for the annual tribute aforesaid:

"*It was certainly understood*, at the time the treaty was concluded, (of which this stipulation was a part,) that it applied *solely to cavalry;* as the nabob vizier, possessing the service of our forces, could not possibly require infantry, and least of all such infantry as Fyzoola Khân could furnish; and *a single horseman included in the aid which Fyzoola Khân might furnish would prove a literal compliance with the said stipulation.* The number, therefore, of horse implied by it ought at least to be ascertained; *we will suppose five thousand*, and, allowing the exigency for their attendance to exist only in the proportion of *one year in five*, reduce the demand to one thousand for the computation of the subsidy, which, at the rate of *fifty rupees* per man, will amount to fifty thousand per mensem. This may serve for the basis of this article, in the negotiation upon it."

VI. That the said Warren Hastings doth then continue to instruct the said Palmer in the alternative of a refusal from Fyzoola Khân.

"If Fyzoola Khân shall refuse to treat for a subsidy, and

claim the benefit of his original agreement in its literal expression, *he possesses a right, which we cannot dispute*, and it will in that case remain only to fix the precise number of horse which he shall furnish, which ought at least to exceed two thousand five hundred.

VII. That, in the above-recited instruction, the said Warren Hastings doth insinuate (for he doth not directly assert),

1st. That we are entitled by treaty to five thousand troops; which he says were undoubtedly intended to be all cavalry.

2d. That the said Hastings doth then admit, that a single horseman, included in the aid furnished by Fyzoola Khân, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole five thousand cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of the treaty, and a settlement of the proportion of cavalry, instead of a pecuniary commutation, it will be all we can demand, that the number should *at least exceed two thousand five hundred.*

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which (however moderate the calculation may appear on the average of the said Hastings's own government) doth involve a principle in a considerable degree repugnant to the system of perfect peace, inculcated in the standing orders of the company."

6th. That, in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at fifty rupees a month; which, on five thousand troops, all cavalry, (as the said Hastings supposes the treaty of Lall-Dang to have meant,) would amount to an expense of thirty lacks a year, or between £300,000 and £400,000. And this expense, strictly resulting (according to the calculations

of the said Hastings) from the intention of Sujah ul Dowla's grant to Fyzoola Khân, was designed to be supported out of a jaghire, valued at fifteen lacks only, or something more than £150,000 of yearly revenue, just half the amount of the expense to be incurred in consideration of the said jaghire.

And that a basis of negotiation so inconsistent, so arbitrary, and so unjust, is contrary to that uprightness and integrity, which should mark the transactions of a great state, and is highly derogatory to the honor of this nation.

VIII. That, notwithstanding the seeming moderation and justice of the said Hastings, in admitting the clear and undoubted right of Fyzoola Khân to insist on his treaty, the head of instruction immediately succeeding doth afford just reason for a violent presumption, that such apparent lenity was but policy, to give a color to his conduct; he, the said Hastings, in the very next paragraph, bringing forth a new engine of oppression, as follows:

"To demand the surrender of all the reiats (or peasants) of the nabob vizier's dominions, to whom Fyzoola has given protection and service, *or an annual tribute, in compensation for the loss sustained by the nabob vizier in his revenue, thus transferred to Fyzoola Khân.*

"You have stated the increase of his jaghire, occasioned by this act, at the moderate sum of fifteen lacks. *The tribute ought at least to be one third of that amount.*

"We conceive that Fyzoola Khân himself may be disposed to yield to the preceding demand, on the additional condition of being allowed to hold his lands in ultumgaw (or an inheritable tenure) instead of his present tenure by jagheer (or a tenure for life). This we think the vizier can have no objection to grant, and we recommend it; *but for this a fine or peshcush ought to be immediatety paid in the customary proportion of the Jumma, estimated at thirty lacks.*"

IX. That the resident Bristow (to whom the letter containing Major Palmer's instructions is addressed) no where attributes the increase of Fyzoola Khân's revenues to this protection of the fugitive reiats, subjects of the vizier: that the said Warren Hastings was therefore not warranted to make that a pretext of such a peremptory demand; that, as an inducement to make Fyzoola Khân agree to the said demand, it is offered to settle his lands upon a tenure, which would secure them to his children; but that settlement is to bring with it a new demand of a fine of thirty lacks, or £300,000 and upwards; that the principles of the said demand are violent and despotic, and the inducement to acquiescence deceitful and insidious; and that both the demand and the inducement are derogatory to the honor of this nation.

X. That Major Palmer aforesaid proceeded under these instructions to Rampore, where his journey "*to extort a sum of money*" was previously known from Allif Khân, vakeel of Fyzoola Khân at the vizier's court: and that, notwithstanding the assurances of the friendly disposition of government given by the said Hastings (as is herein related) the Nabob Fyzoola Khân did express the most serious and desponding apprehensions, both by letter and through his vakeel, to the resident Bristow, who represents them to Major Palmer in the following manner:

"The Nabob Fyzoola Khân complains of the distresses he has this year suffered from the drought. The whole collections have, with great management, amounted to about twelve lacks of rupees, from which sum he has to support his troops, his family, and several relations and dependants of the late Rohilla chiefs. *He says, it clearly appears to be intended to deprive him of his country, as the high demand you have made of him is inadmissible.* Should he have assented to it, it would be impossible to perform the conditions, and then his reputation would be injured by a breach of

agreement. *Allif Khân further represents, that it is his master's intention, in case the demand should not be relinquished by you, first to proceed to Lucknow, where he proposes having an interview with the vizier and resident; if he should not be able to obtain his own terms for a future possession of his jaghire, he will set off for Calcutta in order to pray for justice from the honorable the governor-general.* He observes, it is the custom of the honorable company, when they deprive a chief of his country, to grant him some allowance. This he expects from Mr. Hastings's bounty; *but if he should be disappointed, he will certainly set off upon a pilgrimage to Mecca and Medina, and renounce the cares of the world.*"

"*He directs his vakeel to ascertain whether the English intend to deprive him of his country;* for if they do, he is ready to surrender it, upon receiving an order from the resident."

XI. That after much negotiation the Nabob Fyzoola Khân, "being fully sensible that an engagement to furnish military aid, *however clearly the conditions might be stated, must be a source of perpetual misunderstanding and inconvenience,*" did at length agree with Major Palmer to give fifteen lacks, or £150,000 and upwards, by four instalments, that he might be exempted from all future claims of military service: that the said Palmer represents it to be his belief, "*that no person, not known to possess your* (the said Hastings's) *confidence and support in the degree, that I am supposed to do,* would have obtained nearly so good terms;" but from what motive "terms so good" were granted, and how the confidence and support of the said Hastings did truly operate on the mind of Fyzoola Khân, doth appear to be better explained by another passage in the same letter, where the said Palmer congratulates himself on the *satisfaction, which he gave to Fyzoola Khân* in the conduct of this negotiation, as he spent a month in order to effect "by

argument and persuasion, *what he could have obtained in an hour by threats and compulsions.*"

FULL VINDICATION OF FYZOOLA KHÂN, BY MAJOR PALMER AND MR. HASTINGS.

I. THAT in the course of the said negotiation for establishing the rights of the Nabob Fyzoola Khân, Major Palmer aforesaid did communicate to the resident Bristow, and through the said resident to the council general of Bengal, the full and direct denial of the Nabob Fyzoola Khân, to all and every of the charges made or pretended to be made against him, as follows:

"Fyzoola Khân persists in denying the infringement on his part of any one article in the treaty, or the neglect of any obligation, which it imposed upon him.

"He does not admit of the *improvements reported to be made* in his jaghire, and even asserts that the collections this year will fall short of the original jumma (or estimate by reason of the long drought.

"He denies having exceeded the limited number of Rohillas in his service;

"And having refused the required aid of cavalry, made by Johnson, to act with General Goddard.

"He observes, respecting the charge of evading the vizier's requisition for the cavalry, lately stationed at Daranagur, to be stationed at Lucknow, that he is not bound by treaty to maintain a stationary force for the service of the vizier, but to supply an aid of two thousand or three thousand troops in time of war.

"Lastly, he asserts, that so far from encouraging the ryots (or peasants) of the vizier to settle in his jaghire, it has

been his constant practice to deliver them up to the aumil of Rohilcund, whenever he could discover them."

II. That, in giving his opinions on the aforesaid denials of the Nabob Fyzoola Khân, the said Palmer did not controvert any one of the constructions of the treaty advanced by the said nabob.

That although the said Palmer, "from general appearances as well as universal report, did not doubt, that the jumma of the jaghire is *greatly increased*," yet he the said Palmer did not intimate that it was increased in any degree near the amount reported, as it was drawn out in a regular estimate, transmitted to the said Palmer expressly for the purposes of his negotiation; which was of course by him produced to the Nabob Fyzoola Khân, and to which specifically the denial of Fyzoola Khân must be understood to apply.

That the said Palmer did not hint any doubt of the deficiency affirmed by Fyzoola Khân in the collections for the current year: and

That, if any increase of jumma did truly exist, whatever it may have been, the said Palmer did acknowledge it "to have been solemnly relinquished (in a private agreement) by the vizier."

That although the said Palmer did suppose the number of Rohillas (employed "in ordinary occupations) in Rampore alone, to exceed that limited by the treaty for his (Fyzoola Khân's) service," yet the said Palmer did by no means imply, that the Nabob Fyzoola Khân *maintained in his service* a single man more than was allowed by treaty; and by a particular and minute account of the troops of Fyzoola Khân, transmitted by the resident Bristow to the said Palmer, the number was stated but at five thousand eight hundred and forty, probably including officers, who were not understood to be comprehended in the treaty.

That the said Palmer did further admit it "*to be not clearly*

expressed in the treaty, whether the restriction included Rohillas of all descriptions;" but at any rate he adds, "it does not appear that their number is formidable: or that he (Fyzoola Khân) *could by any means subsist such numbers as could cause any serious alarm to the vizier;* neither is there any appearance of their entertaining any views beyond the quiet possession of the advantages which they at present enjoy."

And that in a subsequent letter, in which the said Palmer thought it prudent "to vindicate himself from any possible insinuation that he meant to sacrifice the vizier's interest," he, the said Palmer, did positively attest the new claim on Fyzoola Khan for the protection of the vizier's ryots to be wholly without foundation; as the Nabob Fyzoola Khân "had proved to him (Palmer) by producing receipts of various dates, and for great numbers of these people surrendered upon requisition from the vizier's officers."

III. That, over and above the aforesaid complete refutation of the different charges and pretexts, under which exactions had been practised, or attempted to be practised, on the Nabob Fyzoola Khân, the said Palmer did further condemn altogether the principle of calculation assumed in such exactions, (even if they had been founded in justice,) by the following explanation of the nature of the tenure, by which, under the treaty of Lall-Dang, the Nabob Fyzoola Khân held his possessions as a jaghiredar.

"There are no precedents in the ancient usage of the country for ascertaining the nuzzerana (customary present) or peschcush (regular fine) of grants of this nature: *they were bestowed by the prince as rewards or favors;* and the accustomary present in return was adapted to the dignity of the donor, rather than to the value of the gift; *to which it never, I believe, bore any kind of proportion.*"

IV. That a sum of money ("which of course was to be

received by the company") being now obtained, and the "*interests both of the company and the vizier*" being thus much "*better promoted*" by "*establishing the rights*" of Fyzoola Khân, than they could have been by "*depriving him of his independency;*" when every undue influence of secret and criminal purposes was removed from the mind of the governor-general, Warren Hastings, Esq., he, the said Hastings, did also concur with his friend and agent, Major Palmer, in the vindication of the Nabob Fyzoola Khân, and in the most ample manner.

That the said Warren Hastings did now clearly and explicitly understand the clauses of the treaty, "that Fyzoola Khân should send *two* or *three* (and not *five*) thousand men, or *attend in person, in case it was requisite.*"

That the said Warren Hastings did now confess, that the right of the vizier, under the treaty, was at best "but a *precarious and unserviceable right;* and that he thought fifteen lacks, or £150,000 and upwards, an ample equivalent," (or, according to the expression of Major Palmer, *an excellent bargain,*) as in truth it was, "for expunging an article of such a tenor, and so loosely worded." And finally, that the said Hastings did give the following description of the general character, disposition, and circumstances, of the Nabob Fyzoola Khân:

"The rumors which had been spread of his hostile designs against the vizier were totally groundless, and if he had been inclined, he had not the means, to make himself formidable; on the contrary, being in the decline of life, and possessing a very fertile and prosperous jaghire, it is more natural to suppose that Fyzoola Khân wishes to spend the remainder of his days in quietness, than that he is preparing to embark in active and offensive scenes, which must end in his own destruction."

V. Yet that, notwithstanding this virtual and implied crimination of his whole conduct toward the Nabob Fyzoola

Khân, and after all the aforesaid acts systematically prosecuted, in open violation of a positive treaty, against a prince, who had an hereditary right to more than he actually possessed, for whose protection the faith of the company and the nation was repeatedly pledged, and who had deserved and obtained the public thanks of the British government, when, in allusion to certain of the said acts, the court of directors had expressed to the said Hastings their wishes "to be considered rather as the guardians of the honor and property of the native powers, than as the instruments of oppression;" he, the said Hastings, in reply to the said directors, his masters, did conclude his official account of the final settlement with Fyzoola Khân, with the following indecent, because unjust, exultation:

"Such are the measures which we shall ever wish to observe towards our allies or dependants upon our frontiers."

*** As the letter referred to in the VIIIth and XVIth Articles of Charge is not contained in any of the Appendixes to the Reports of the Select Committee, it has been thought necessary to annex it as an appendix to these Charges.

APPENDIX

TO THE VIIIth AND XVIth CHARGES.

Copy of a letter from Warren Hastings, Esq., to William Devaynes, Esq., Chairman of the Court of Directors of the East-India Company, dated Cheltenham, 11th of July, 1785; and printed by order of the House of Commons.

To William Devaynes, Esq., Chairman of the Honorable the Court of Directors.

SIR,

THE honorable court of directors, in their general letter to Bengal, by the Surprise, dated the 16th March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents, mentioned in my address of the 22d May, 1782, was received, what were my motives for withholding the several receipts from the knowledge of the council, or of the court of directors, and what were my reasons for taking bonds for part of these sums, and for paying other sums into the treasury as deposits on my own account.

I have been kindly apprized, that the information required as above is yet expected from me. I hope, that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the presidency when the Surprise arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a

variety of other more important occupations, of which, sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes which compose our consultations of that period, that the submission, which my respect would have enjoined me to pay to the command imposed on me, was lost to my recollection, perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction, than as expressive of any want of a further elucidation of it.

I will now endeavor to reply to the different questions which have been stated to me, in as explicit a manner as I am able. To such information as I can give the honorable court is fully entitled, and where that shall prove defective, I will point out the easy means by which it may be rendered more complete.

First, I believe I can affirm with certainty, that the several sums, mentioned in the account transmitted with my letter above mentioned, were received at or within a very few days of the dates which are prefixed to them in the account; but as this contains only the gross sums, and each of these received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account. Perhaps the honorable court will judge this sufficient for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer, for a more minute information, and for the means of making any investigation, which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your accomptant-general, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it. In this each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will furnish you with the paper itself,

if it is still in being, and in his hands, or with whatever he can distinctly recollect concerning it.

For my motives for withholding the several receipts from the knowledge of the council, or of the court of directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the honorable the court of directors of the 22d May, 1782; namely, that "I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory, at that distance of time, could verify; and that I did not think it worth my care to observe the same means with the rest." It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them. I have said that the three first sums of the account were paid into the company's treasury without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment, which was formed and employed against Madajee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly apprized the court of directors, in my letter of the 29th November, 1780. The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them; but neither could it occur to me as necessary to state on our proceedings every little aid which I could thus procure, nor do I know how I could have stated it

without appearing to court favor by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim. I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them. I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me; for these reasons I caused it to be transported immediately to the treasury. There, you well know, sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan, or as a deposit; the first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit, I am utterly ignorant; possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.

Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums except the second, even from the knowledge of the court of directors. They had answered my purpose of public utility, and I had almost totally dismissed them from my remembrance. But when fortune threw a sum in my way of a magnitude, which could

not be concealed, and the peculiar delicacy of my situation at the time, in which I received it, made me more circumspect of appearances, I chose to apprize my employers of it, which I did hastily and generally; hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum, of which I was in the receipt, but not in the full possession; I promised to acquaint them with the result as soon as I should be in possession of it, and in the performance of my promise I thought it consistent with it to add to the account all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution, which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked, what were my motives for withholding part of these receipts from the knowledge of the court of directors, and informing them of the rest.

It being my wish to clear up every doubt upon this transaction, which either my own mind could suggest, or which may have been suggested by others, I beg leave to suppose another question, and to state the terms of it in my reply, by informing you, that the endorsement on the bonds was made about the period of my leaving the presidency, in the middle of the year 1781, in order to guard against their becoming a claim on the company, as part of my estate, in the event of my death occurring in the course of the service, on which I was then entering.

This, sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honorable court of directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty; I must therefore request the favor of you to lay it, at a convenient time, before them. In addressing it to you personally, I yield to my own feelings of the respect, which is due to them as a body, and to the as-

surances, which I derive from your experienced civilities, that you will kindly overlook the trouble imposed by it.

I have the honor to be, sir,

Your very humble and

Most obedient servant,

(Signed) WARREN HASTINGS.

Cheltenham, 11th July, 1785.

END OF VOLUME SIXTH.

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